

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.33967 of 2017

Balasundaram
S/o.Nehru

.. Petitioner

Vs.

1. The Sub Collector
O/o. Sub Collector
Chengalpattu
Kanchipuram District.

2. The Regional Transport Officer
O/o.Regional Transport Officer
Chengalpattu,
Kanchipuram District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd respondent to consider and release the petitioner's Van bearing registration No.TN19L7139, based on the representation dated 03.11.2017.

For Petitioner : Mr.A.Venkatesan

For Respondents : Mr.E.Balamurugan

Additional Government Pleader

O R D E R

Mr.E.Balamurugan, learned Additional Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition itself is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a Mandamus directing the second respondent to release the Van bearing registration No.TN-19-L-7139, seized by the police on 15.09.2017.

3. It is stated that the above vehicle was seized by the police on 15.09.2017 on the allegation that the said vehicle was indulged in transporting sand illegally. Therefore, this Court, at this stage, is not expressing any view on the contentions

made by the petitioner against the allegations made, as it is for the Adjudicating Authority to consider and decide. However, considering the fact that the vehicle was seized as early as on 15.09.2017 and the same is kept idle thereby exposing it to sun and rain, which undoubtedly would diminish its value, this Court is of the view that the following order will protect the interest of both parties:

a) The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) before the respondents within a period of two weeks from the date of receipt of a copy of this order.

b) The petitioner shall appear in person and produce all the relevant documents proving the ownership of the vehicle for verification of the authority in proof of such ownership.

(c) On receipt of payment as stated supra and also on being satisfied with the ownership of the vehicle, the respondents shall release the same forthwith.

(d) The petitioner shall not use the said vehicle for any unlawful purpose and also shall not alienate the same during the pendency of the proceedings.

(e) It is open to the respondents to initiate proceedings in accordance with law and pass appropriate orders on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. The petitioner should also co-operate with the said proceedings initiated by the respondents without dragging the matter.

(f) If no such order is passed within the time stipulated therein, the amount so paid by the petitioner shall be refunded to the petitioner.

(g) This order for release of the vehicle can be availed of by the petitioner, if the vehicle is not in the custody of criminal Court. If the vehicle is in the custody of the criminal Court, it is open to the petitioner to approach the jurisdictional Magistrate to get release of the vehicle by filing appropriate application and the same can be considered in accordance with law.

The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mk

To

1. The Sub Collector
O/o. Sub Collector
Chengalpattu
Kanchipuram District.
2. The Regional Transport Officer
O/o. Regional Transport Officer
Chengalpettu,
Kanchipuram District.

+1cc to Mr.A.Venkatesan, Advocate, S.R.No.562

+1cc to the Government Pleader, S.R.No.650

W.P.No.33967 of 2017

PVS (CO)
RRK (30/01/2018)



WEB COPY