

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.05.2018

C O R A M

THE HONOURABLE Mr.JUSTICE C.V.KARTHIKEYAN

W.P.No.12487 of 2018

M.Sekar

..... Petitioner

Vs.

1.The Sub Collector
Thirukoilur
Villupuram District.

2.The Sub Inspector of Police
Ulundurpet Police Station
Villupuram District.

..... Respondents

PRAYER Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to release the lorry bearing Registration No.TN-54 P-9763 seized by the 2nd respondent on 08.04.2018 and hand over the same to the petitioner forthwith.

For Petitioner : Mr.S.Saravana Kumar

For Respondents : M/s.K.Karthikeyan
Government Advocate

O R D E R

Mr.K.Karthikeyan, learned Government Advocate, takes notice for the respondents.

2. By mutual consent of both sides, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner seeks release of the lorry bearing Registration No.TN-54 P-9763, which was seized by the second respondent on 08.04.2018. He has given a representation dated 16.04.2018.

4. Earlier, in similar matter in W.P.No. 22408 of 2017, this Court had followed an earlier Judgment in W.P.No. 4805 of 2017, in which the conditions were imposed for release of the vehicle. This Court is of the opinion that there will not be

any purpose in detaining the subject vehicle for a longer period. Hence, this Court is inclined to dispose of the Writ Petition with the following directions:-

"(i) The petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) in cash with the first respondent.

(ii) The petitioner shall produce documents before the first respondent to establish the ownership of the vehicle in question.

(iii) The petitioner shall file an undertaking that he will produce the vehicle in question before the respondents as and when called for and that he will not alienate the vehicle in question till the proceedings initiated are completed.

(iv) On compliance of the above conditions, the respondents are directed to release the vehicle to the petitioner within two days.

(v) The respondent shall proceed with the enquiry and pass appropriate orders. The petitioner is also directed to appear and cooperate with the enquiry.

(vi) This order for release of vehicle can be availed of by the petitioner if no criminal case is pending. If any criminal case is pending, 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".

5. With the above said directions, this Writ Petition is disposed of. No costs.

Sd/-

Asst.Registrar (Rules)

/true copy/

Sub Asst. Registrar

maya

To

1.The Sub Collector
Thirukoilur
Villupuram District.

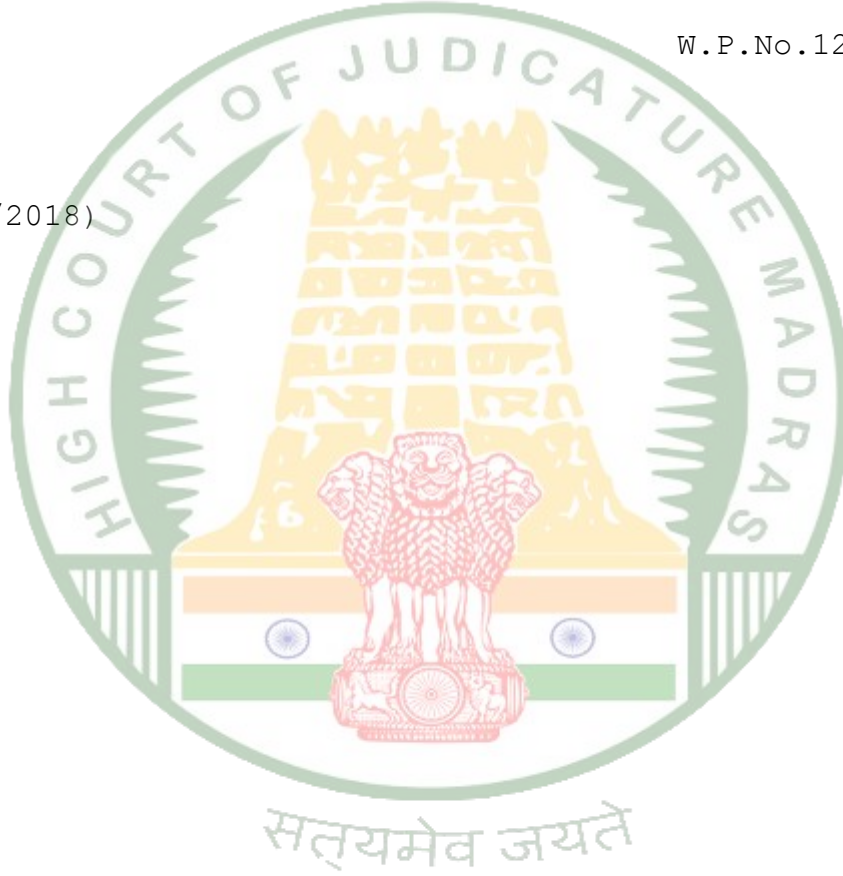
2.The Sub Inspector of Police
Ulundurpet Police Station
Villupuram District.

+1cc to Mr.S.Saravanakumar, Advocate, S.R.No.33649

W.P.No.12487 of 2018

KGK (CO)

RRK (17/05/2018)



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