



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2018

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.8299 of 2018

M.Felix

... Petitioner

vs.

1.The Revenue Divisional Officer,
Padmanabhapuram,
at Kalkulam,
Kanyakumari District.

2.The Sub-Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus, directing the 1st respondent to release petitioner Tempo bearing Registration No.TN-74-Q-8244 seized on 05.04.2018 by the 2nd respondent by considering the representation dated 07.04.2018.

For Petitioner : Mr.H.Velavadas

For Respondents : Mr.S.Nagarajan

Special Government Pleader

O R D E R

The petitioner seeks for a writ of mandamus, directing the respondents to release the petitioner's Tempo bearing Registration No. TN-74-Q-8244 seized on 05.04.2018 by the second respondent.

2.According to the petitioner, the vehicle, which was used in a private place by his Driver was seized by the second respondent.

3.On the other hand, it is submitted by the learned Special Government Pleader appearing for the respondents that the vehicle was seized as the same was plied without valid permission.

4.In any event, as the vehicle is under the custody of the respondents having been seized on 05.04.2018 and considering the fact that if the same is allowed to be kept idle by exposing the same to sun and rain, it would certainly diminish its value. Therefore, pending proceedings before the respondents, this Court is of the view that the vehicle can be released by imposing certain conditions on the petitioner for release of the aforesaid vehicle.

5.Accordingly, the first respondent is directed to release the vehicle to the petitioner within a period of seven days from the date of receipt of a copy of this order subject to



the following conditions:

- "(i) The petitioner shall produce documents before the first respondent under whose custody the vehicle is kept, to establish the ownership of the vehicle in question;
- (ii) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) before the first respondent herein;
- (iii) The petitioner shall give an undertaking that he will not use the vehicle for any illegal activities in future and shall produce the same as and when required by the respondents;
- (iv) On doing so, the vehicle in question shall be returned to the petitioner;
- (v) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned;
- (vi) The first respondent is directed to complete the enquiry within a period of four weeks from the date of receipt of a copy of this order; and
- (vii) The petitioner is also directed to participate in the enquiry to be conducted by the first respondent."

6.The writ petition is ordered accordingly. No costs.

Sd/
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To:

1.The Revenue Divisional Officer,
Padmanabhapuram,
at Kalkulam,
Kanyakumari District.

2.The Sub-Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.

+1cc to Mr.H.VELAVADHAS, Advocate, SR.No. 64052

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