



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.194 of 2018

WEB COPY

Murugan

... Petitioner

Vs.

1.District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram

3.The Inspector of Police,
Emaneswaran Police Station,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the second respondent to release the petitioner's vehicle of Tipper Lorry, bearing registration No.TN 70-P-6129 from the custody of the second and third respondents and to hand over the above vehicle to the petitioner, by considering the petitioner's representation dated 02.01.2018 within the time limit that may be stipulated by this Court.

For Petitioner

: Mr.M.S.Jeyakarthik

For Respondents

: Mrs.J.Padmavathy Devi

Special Government Pleader

ORDER

This Writ Petition is filed seeking a direction to release the the petitioner's vehicle namely, Tipper Lorry, bearing registration No.TN 70-P-6129 forthwith.

2.According to the petitioner, he is the owner of the abovesaid vehicle and on 24.12.2017, the third respondent seized the vehicle and kept it in his custody. On 02.01.2018, he made a representation to the respondents seeking to release the vehicle, but so far the third respondent is not releasing the vehicle and keeping it in his custody.

3.On the other hand, it is submitted by the learned Special Government Pleader that the Tipper lorry in question was found in possession of the third respondent and without any valid permit and hence it was seized.



4. In any event, as the vehicle is under the custody of the authorities 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 may be released by imposing conditions on the petitioner for release of the same.

5. Accordingly, the respondent is directed to release the vehicle in question to the petitioner within a period of 7 days subject to the following conditions:

(a) The petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) in cash before the third respondent;

(b) The petitioner is directed to produce all the documents pertaining to the ownership of the seized vehicle;

(c) The petitioner is to file an affidavit of undertaking that he will cause production of the vehicle in question before the competent/concerned respondent (as the case may be) as and when called for and further, he will not alienate the vehicle in question till the appropriate proceedings initiated are completed;

(d) On compliance of the above conditions, the third respondent is directed to release the seized vehicle bearing Registration No. TN 70-P-6129 to the petitioner (if he is in custody and possession), within three days from the date of receipt of a copy of this order;

(e) This order for the release of the vehicle can be pressed into service by the petitioner only if the vehicle is not in the custody of the criminal Court. If the vehicle is in the custody of concerned Criminal Court of appropriate jurisdiction, then, option is given to the petitioner to approach the concerned Judicial Magistrate to get release of the vehicle, by filing necessary application in the manner known to law and in accordance with law; and

No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar



To

1.District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram

3.The Inspector of Police,
Emaneswaran Police Station,
Ramanathapuram District.

+1cc to M/S.M.S.Jeyakarthik, Advocate SR.No. 40851

+1cc to Special Government Pleader, SR.No. 41489

W.P (MD) No.194 of 2018
08.01.2018

kmi

JM/SKN RSK/SAR 2/11.01.2018/3P/6C