



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD) No.2284 of 2018

K.Kannan

... Petitioner

-Vs-

1.The State rep. by
The Superintendent of Police,
Tiruchirappalli District,
Tiruchirappalli.

2.The Inspector of Police,
Manachanallur Police Station,
Tiruchirappalli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the petitioner's vehicle namely Mahendra Van bearing Regn. No.TN 45 AM 1693, which has been detained in connection with a case in Crime No.113 of 2016 on the file of the second respondent, within a stipulated period as fixed by this Court by considering the petitioner's representation dated 19.07.2017.

For Petitioner : Mr.S.Balaji

For Respondent : Mr.V.Anand
Government Advocate

O R D E R

This Writ Petition has been filed to direct the second respondent to release the petitioner's vehicle namely Mahendra Van bearing Regn. No.TN 45 AM 1693.

2. The learned counsel appearing for the petitioner has submitted that the second respondent has registered a case against the petitioner in Crime No.113 of 2016, for the offences under Sections 279 and 304(A) of IPC and also seized the petitioner's Mahendira Van bearing Regn. No.TN 45 AM 1693. He further submitted that even though the second respondent has seized the said vehicle on 19.04.2016, he has not returned the vehicle either to the petitioner or has not produced the same before the Jurisdictional Magistrate. Hence, the petitioner has sent a representation to the first respondent and even thereafter, the second respondent has not



released the vehicle and hence, he is requesting the Court to give a suitable directions to the second respondent to release the vehicle.

3. The learned Government Advocate appearing for the respondents has submitted that since the petitioner has not produced the documents relating to the said vehicle, the second respondent could not produce the vehicle before the Motor Vehicle Inspector for inspection and hence, the vehicle has not been released.

4. If the petitioner has not produced the relevant documents to prove his ownership, then, the second respondent has to issue summons to the petitioner directing him to produce the relevant documents and thereafter, he can produce the vehicle before the Motor Vehicle Inspector for inspection and return the vehicle to the petitioner. If the petitioner fails to produce the documents relating to the said vehicle in such case also the second respondent has to produce the vehicle before the Motor Vehicle Inspector for inspection and thereafter, he has to produce the vehicle before the jurisdictional Magistrate and also he can charge the petitioner under relevant Sections of law for non-production of the documents. The said exercise will be completed within a period of 15 days from the date of receipt of a copy of this order.

5. With the aforesaid observations, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (ADI)

/True Copy/

Sub-Assistant Registrar

To

1. The Superintendent of Police,
Tiruchirappalli District,
Tiruchirappalli.

2. The Inspector of Police,
Manachanallur Police Station,
Tiruchirappalli District.

+One cc to The Special Government Pleader, SR.No.46571

+One cc to Mr.S.Balaji, Advocate, SR.No.46427

trp

RL/5C/2P/SKN/RSK/SAR4/27/2/2018

W.P. (MD) No.2284 of 2018