



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.05.2018

CORAM

WEB COPY

**THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN**

W.P.(MD) No.11347 of 2018

S.S.Santhini

... Petitioner

vs.

1.The District Revenue Officer,  
Kanyakumari District,  
Nagercoil.

2.The Special Tahsildar,  
Flying Squad,  
Kanyakumari District,  
At Nagercoil.

... Respondents

**PRAYER** : Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to release the TATA Ace Mini Van bearing registration No.KL-22K-8505 seized by the second respondent on 20.05.2018 to the petitioner.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.C.Ramar  
Additional Government Pleader

### **O R D E R**

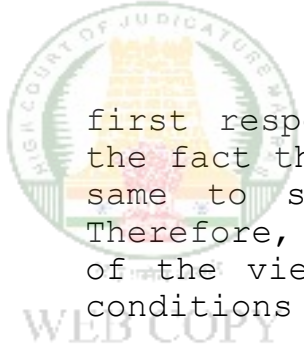
The petitioner seeks for a writ of mandamus directing the first respondent to release the TATA Ace Mini Van bearing registration No.KL-22K-8505 seized by the second respondent.

2. According to the petitioner, even though he had plied the aforesaid vehicle with all relevant documents, the second respondent has seized the vehicle on 20.05.2018 and the same is under the custody of the first respondent.

3. On the other hand, it is submitted by the learned Additional Government Pleader appearing for the respondents that the vehicle had been involved in transportation of kerosene without valid license.

<https://hcservices.ecourts.gov.in/hcservices/>

4. In any event, as the vehicle is under the custody of the



first respondent having been seized on 20.05.2018 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 in question 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:

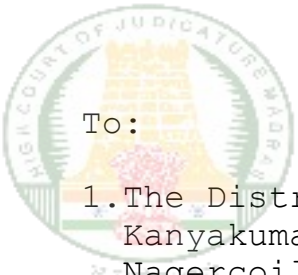
- “(i) The petitioner shall produce necessary documents before the first respondent to establish the ownership of the vehicle in question;
- (ii) The petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) before the first respondent herein;
- (iii) The petitioner shall give an undertaking 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 petitioner is also directed to participate in the enquiry to be conducted by the respondents.”

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

Sd/-  
Vacation Officer

/True Copy/

Sub Assistant Registrar



To:

1.The District Revenue Officer,  
Kanyakumari District,  
Nagercoil.

2.The Special Tahsildar,  
Flying Squad,  
Kanyakumari District,  
At Nagercoil.

+1CC to Mr.T.Lenin Kumar, Advocate in SR.No.66355.

RMK

DS/SKN-RSK/SAR-1 :08.06.2018: 3P/4C

W.P. (MD) No.11347 of 2018  
31.05.2018