



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.05.2018
CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

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W.P.(MD) No.11636 of 2018

Justin

... Petitioner

vs.

- 1.The District Collector
Pudukkottai District, Pudukkottai
- 2.The District Revenue Officer
Pudukkottai District, Pudukkottai
- 3.The Revenue Divisional Officer
Pudukkottai, Pudukkottai District
- 4.The Inspector of Police
Panaiyapatti Police Station
Pudukkottai District.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the third respondent to release the lorry bearing Registration No.TN-75 AC-1177 seized by the 4th respondent on 29.04.2018.

For Petitioner : Mr.A.V.Rajasekaran
For Respondents : Mr.K.Saravanan
Government Advocate

O R D E R

The petitioner seeks for a writ of mandamus directing the third respondent to release his vehicle, namely, lorry bearing Registration No.TN-75 AC-1177 seized by the fourth respondent on 29.04.2018.

2. According to the petitioner, even though he had plied the aforesaid vehicle with all relevant documents, the fourth respondent has seized the vehicle on 29.04.2018 and it has been kept idle by exposing the same to sun and rain.

3. In view of the submission made by the learned counsel for the petitioner that the petitioner's vehicle has been kept idle by exposing the same to sun and rain, this Court is of the view that pending proceedings before the respondents, the vehicle can be released by imposing certain conditions on the petitioner for release of the aforesaid vehicle.



4. Accordingly, the third 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:

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- "(i) The petitioner shall produce necessary documents before the third respondent 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 third 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."

5. At this juncture, the learned Government Advocate appearing for the respondents submitted that the criminal case has been registered in Crime No.25 of 2018 by the fourth respondent Police and the aforesaid vehicle has been handed over before the Jurisdictional Magistrate and the petitioner has to approach the concerned Jurisdictional Magistrate for releasing the vehicle.

6. When that being so, the petitioner is at liberty to pursue his remedy before the concerned Jurisdictional Magistrate in accordance with law.

7. With the above observations, the Writ Petition is disposed of. No costs.

Sd/-
Vacation Officer

/True Copy/



To:

- 1.The District Collector,
Pudukkottai District,
Pudukkottai,
- 2.The District Revenue Officer,
Pudukkottai District,
Pudukkottai,
- 3.The Revenue Divisional Officer,
Pudukkottai,
Pudukkottai District,
- 4.The Inspector of Police,
Panaiyapatti Police Station,
Pudukkottai District.

+1CC to Mr.A.V.Rajesekaran Advocate in SR.No.66280,

+1CC to The Special Government Pleader in SR.No.66478.

KRK/SJI

DS/SKN-RSK/SAR-1 :08.06.2018: 3P/7C

W.P. (MD) No.11636 of 2018
31.05.2018