



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.15099 of 2018

A.Perumal ... Petitioner
vs.

1. The District Collector,
Ramanathapuram,
Ramanathapuram District.
2. The Sub Collector Cum Revenue Divisional Officer,
Paramakudi, Ramanathapuram District.
3. The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District,
In Crime No.84 of 2018. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to release petitioner's my JCB bearing registration No.TN-65-U-0563 seized on 06.07.2018 and hand over to the petitioner.

For Petitioner : Mr.M.Subash Babu
For Respondents : Mr.V.Anand
Government Advocate

O R D E R

Mr.V.Anand, learned Government Advocate, takes notice for the respondents.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner seeks for a writ of mandamus directing the respondents to release his vehicle, namely, JCB Bearing Registration No.TN-65-U-0563, seized on 06.07.2018 , by the third respondent.

4. According to the petitioner, even though his driver had plied the aforesaid vehicle with all relevant documents, the third respondent has seized the vehicle.



5. The learned Government Advocate appearing for the respondents, on instructions, submitted that the vehicle in question has not involved in any previous case.

6. In any event, as the vehicle is under the custody of the third respondent having been seized on 06.07.2018 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.

7. Accordingly, the second 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 documents before the second 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 second 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 second 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 second respondent."

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

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar



To:

1. The District Collector,
Ramanathapuram,
Ramanathapuram District.
2. The Sub Collector Cum Revenue Divisional Officer,
Paramakudi, Ramanathapuram District.
3. The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District,
In Crime No.84 of 2018.

+1 CC to Mr.M.SUBASH BABU, Advocate in SR.No.72730

SJI

RJ/SV/SAR-1/18/07/2018 - 3P/5C

W.P. (MD) No.15099 of 2018
12.07.2018