



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.11687 of 2019

WEB COPY

Venkatesh

... Petitioner

vs.

1.The Revenue Divisional Officer
Devakottai
Sivagangai District

2.The Inspector of Police
Alagappapuram Police Station
Sivagangai District

3.The Assistant Director
Mines and Geology
Sivagangai District

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to release the vehicle belongs to the petitioner, tipper lorry bearing registration No.TN10 M9337 which was seized on 01.05.2018 by the proceedings of the 1st respondent in Na.Ka.No.A4/6885/2018, dated 02.11.2018.

For Petitioner : Mr.M.Suresh

For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

O R D E R

When the matter was taken up for hearing, the learned counsel appearing for the petitioner submitted that the vehicle in question was seized by the first respondent and he has also levied fine on the petitioner. The petitioner has also remitted the fine amount. The necessary receipt has also been enclosed in the typed set of papers.

2. In view of the same, the respondents are directed to release the petition mentioned vehicle, subject to the following conditions:

(a) The petitioner shall execute an affidavit of undertaking that he shall not involve in any offence in future that may lead to the seizure of the vehicle in question. The petitioner shall



not alienate or encumber the vehicle in question till the proceedings are completed.

(b) The petitioner shall produce all the documents pertaining to the ownership of the seized vehicle.

(c) This order for 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.

(d) As and when the respondents call for the vehicle for enquiry, the petitioner has to produce the vehicle in question and he shall cooperate with the enquiry to be conducted by the respondents.

3. Upon completion of these formalities, the respondents shall release the vehicle forthwith without any delay. If this undertaking given by the petitioner is breached, the petitioner will not be entitled to interim release of the vehicle in future.

4. The writ petition stands allowed accordingly. No costs.

Sd/-

Vacation Officer

// True Copy //

Sub Assistant Registrar(CS)

To:

1.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

2.The Inspector of Police,
Alagappapuram Police Station,
Sivagangai District.

3.The Assistant Director,
Mines and Geology,
Sivagangai District.

+1cc to Mr.M.Suresh, Advocate, SR.No. 65561

+1cc to M/s.Special Government Pleader,SR.No. 65708

W.P. (MD) No.11687 of 2019

08.05.2019