



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P. (MD) No.5023 of 2019

M.Sundar Ganesh

... Petitioner

/Vs./

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

2. The Inspector of Police,
Theni Police Station,
Theni District.

... Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Inspector of Police, Theni Police Station, Theni District to release the petitioner's Chevrolet Beat BSIV Car bearing it's Registration No.TN 38 CE 7423 (Engine No.Z2161865GY7X0203 and Chasis No.MA6BFBGNGGT007534) on production of the uploaded information of the ownership of the said car found available in the official web-site of the Transport Department as expeditiously as possible within the time stipulation as prescribed by this Court.

For Petitioner : Mr.R.Anand

For Respondents : Mrs.S.Bharathi

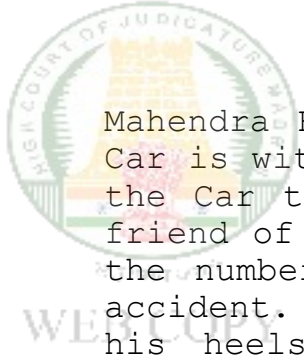
Government Advocate (Crl. Side)

O R D E R

This petition has been filed for issuance of Writ of Mandamus, directing the Inspector of Police, Theni Police Station, Theni District to release the petitioner's Chevrolet Beat BSIV Car bearing it's Registration No.TN 38 CE 7423 (Engine No.Z2161865GY7X0203 and Chasis No.MA6BFBGNGGT007534) on production of the uploaded information of the ownership of the said car found available in the official web-site of the Transport Department as expeditiously as possible within the time stipulation as prescribed by this Court.

2.Heard the learned counsel for the petitioner and the learned Government Advocate(Crl.side) appearing for the respondents.

3.The learned counsel for the petitioner submits that the above mentioned Car with the aforesaid Engine number and Chasis number belongs to the petitioner and the Car was purchased by the petitioner through hire purchase agreement with Mahendra and



Mahendra Financial Services Limited and that the R.C. Book of the Car is with the Financier. While so, the petitioner had handed over the Car to his friend, who appear to have handed over to another friend of his and the last mentioned person appear to have changed the number plate and had driven the Car and the Car met with an accident. Abandoning the Car, the driver of the Car had taken to his heels. The accident is said to have been taken place on 14.08.2018 and a case has been registered in Crime No.566 of 2018 for the offences under Sections 279, 337 IPC and 180 of Motor Vehicles Act.

4. The learned counsel for the petitioner submits that the Car has not been produced before the Court enabling the petitioner to take interim custody of the same after proving his right to take interim custody.

5. However, the learned counsel conceded that the number plate, which the Car had at the time of accident, does not relate to his Car. But, the Engine number and Chassis number belong to him and they find in the R.C book, which is now with the Financier.

6. Since the prayer sought in this petition is limited, this Court directs the second respondent to produce the Car before the concerned Magistrate, whereupon the petitioner move the Magistrate Court for interim custody of the Car, if he so desires and upon petition being filed, the Magistrate may hold such necessary enquiry, if necessary, summoning the Financier of the Car and pass such appropriate decision based on the facts placed before him/her. The said exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

CM

To

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



2. The Inspector of Police,
Theni Police Station,
Theni District,
Dindigul District.

Order made in
W.P. (MD) No. 5023 of 2019
11.03.2019

TR (10.04.2019) 3P 3C