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THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

**W.P. (MD) No.8033 of 2019**

A.Jainul Ansari

... Petitioner

Vs

1. The District Collector,  
Collectorate Office,  
Sivagangai District.
2. The Revenue Divisional Officer,  
Devakottai,  
Sivagangai District.
3. The Inspector of Police,  
Civil Supply CID (Food Cell)  
Sivagangai.
4. The District Revenue Officer,  
Sivagangai.

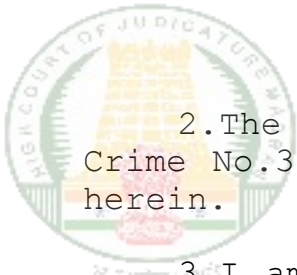
(R4 is suo motu impleaded vide  
Court order dated 04.04.2019)

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent to release Lorry No.TN 63 AU 7782.

|                |                                           |
|----------------|-------------------------------------------|
| For Petitioner | : Mr.M.V.Venkateseshan                    |
| For R1 to R3   | : Mr.M.Rajarajan<br>Government Advocate   |
| For R4         | : Mr.M.Karuppasamy<br>Government Advocate |

**ORDER**



2.The petitioner's lorry was seized in connection with the Crime No.31 of 2019 registered on the file of the third respondent herein.

3.I am of the view that keeping the vehicle in the custody of the respondents is not going to serve any public purpose. Therefore, the respondents are directed to release the petition mentioned vehicle subject to the following conditions:

- a) The petitioner shall deposit a sum of Rs.50,000/- to the fourth respondent herein. He 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.

4.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.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The District Collector,  
Collectorate Office,  
Sivagangai District.



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

3. The Inspector of Police,  
Civil Supply CID (Food Cell)  
Sivagangai.

4. The District Revenue Officer,  
Sivagangai.

+1 CC to MR.M.V.VENKATASESHAN, Advocate ( SR-60673[F] dated  
12/04/2019 )

+1 CC to Special Government Pleader ( SR-60762[F] dated 12/04/2019 )

**W.P. (MD) No. 8033 of 2019**

**11.04.2019**

**pnn**

AE (27.04.2019) 3P 7C