



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2019

CORAM:

THE HONOURABLE DR.VINEET KOTHARI,
ACTING CHIEF JUSTICE

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A.[MD]No.349 of 2019

and

C.M.P.[MD]No.2900 of 2019

State through,
Authorized Officer,
District Forest Officer,
Dindigul Region,
Dindigul.

: Appellant / Respondent

Vs.

Ramar

: Respondent / Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, praying to set aside the common order dated 15.02.2019 in W.M.P.[MD] No.2684 of 2019 in W.P.[MD]No.3413 of 2016.

Prayer in WMP(MD) . 2684/ 2019 :

To grant an order of Interim Direction directing the respondent to give interim custody to the petitioner of vehicle bearing Registration NO. TN 57 AQ 8793, Hundai X-cent/5X, Chasis No. MALA8 41 ELHM 275086 pending disposal of this WP and thus render justice.

Prayer in WP(MD) . 3413/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified mandamus, calling for the records relating to the order passed in Criminal Appeal No.43 of 2018 dated 19.11.2018 on the file of the Principal Sessions Judge, Dindigul and quash the same and consequently direct the respondent to release the Hundai X-cent/5X, Chasis No. MALA841ELHM275086 bearing Registration NO. TN 57 AQ 8793.



For Appellant : Mr.A.K.Baskara Pandian
Special Government Pleader
For Respondent : Mr.A.R.Kannappan

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JUDGMENT

[Judgment of the Court was delivered by

The Hon'ble Acting Chief Justice]

The present intra court appeal is directed against the interlocutory order passed by the learned Single Judge in the pending W.P.[MD]No.3413 of 2016, filed by the petitioner namely, Ramar. Paragraph No.6 of the impugned order is quoted below for ready reference:

"6.In view of the above, there shall be an order of interim direction directing the respondent to release the vehicle to the petitioner on condition that the petitioner shall deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs only) to the District Forest Officer, Dindigul Region / respondent by way of Demand Draft, within a period of one week from the date of receipt of a copy of this order. The petitioner is also directed to file an affidavit before the respondent that he will not alienate or tamper the property, till the disposal of the proceedings."

2.Learned Special Government Pleader for the State submitted that since the vehicle in question has been confiscated by the competent authority, which is under challenge in the writ petition, release of the vehicle on condition of deposit of a sum of Rs.4,00,000/- could not have been passed by the learned Single Judge by way of interim order.

3.On the other hand, learned Counsel for the respondent submitted that he is ready to comply with the condition imposed by the learned Single Judge for release of the vehicle.

4.Having heard the parties, we are of the opinion that the said interim order does not require any interference. As directed by the learned Single Judge, interim deposit has to be made by the petitioner, since the challenge on merits of the case is pending before the learned Single Judge. Both parties will abide by the final order to be passed by the learned Single Judge in the matter



with regard to the confiscation of the vehicle in question. The Writ Appeal is devoid of merits.

5. Accordingly, the Writ Appeal stands dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

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Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

The Authorized Officer,
District Forest Officer,
Dindigul Region,
Dindigul.

+1 CC to M/s.A.R.KANNAPPAN, Advocate (SR-96730[F] 07/11/2019)

+1 CC to M/s.Special Govt. Pleader (SR-96989[F] dated 08/11/2019)

JUDGMENT MADE IN
W.A. [MD]No.349 of 2019
Dated: 07.11.2019

MR/MPK

SDS (16.12.2019) 3P 4C