



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.11.2019
CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

WEB COPY

W.P (MD) No.25360 of 2019

M.S.Anas

... Petitioner

Vs.

1.The District Revenue Officer,
Kanyakumari District,
Nagercoil.

2.The Inspector of Police,
C.S.C.I.D.,
Kuzhithurai at Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 1st respondent to number the petition seeking interim custody of the petitioner lorry bearing Reg.No.TN.28-AF-9338 and consequently direct the 1st respondent to release the vehicle of the petitioner.

For Petitioner :Mr.T.Selvakumaran

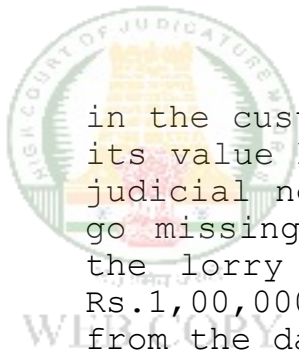
For Respondents :Mr.P.Kannithevan
Additional Government Pleader

ORDER

The petitioner has come forward with the present Writ Petition seeking for issuance of a Writ of Mandamus, directing the first respondent to number the petition seeking interim custody of the petitioner's lorry bearing Reg.No.TN.28-AF-9338 and consequently direct the 1st respondent to release the vehicle of the petitioner.

2.Mr.P.Kannithevan, learned Additional Government Pleader, who takes notice on behalf of the respondents, would vehemently oppose the release of the vehicle in question on the ground that the petitioner is the owner of the vehicle and he used his vehicle to transport 340 bags of ration rice without any valid permit.

3.The vehicle in question, belonging to the petitioner was seized by the second respondent on the ground that it was transporting 340 bags of ration rice. The act of seizure cannot be faulted. But, then the question is whether it should be released or not. No purpose will be served in continuing to keep the said lorry



in the custody of the respondents, since the vehicle would only lose its value by exposure in open area. That apart, this Court can take judicial notice of the fact that the parts of such detained vehicle go missing. Therefore, the first respondent is directed to return the lorry in question to the petitioner on payment of a sum of Rs.1,00,000/- (Rupees one lakh only) within a period of one week from the date of receipt of a copy of this order.

4. The petitioner has to file an undertaking affidavit before the second respondent offering to extend full co-operation with the enquiry that may be initiated by the respondents. The petitioner shall not alienate the vehicle till the conclusion of the enquiry. The petitioner shall also undertake not to violate the permit conditions in future. If the permit conditions are again violated, it would be open to the respondents to seize the vehicle in that event.

5. The Writ Petition is allowed accordingly. No costs.

Sd/-
Assistant Registrar (CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

1.The District Revenue Officer,
Kanyakumari District,
Nagercoil.

2.The Inspector of Police,
C.S.C.I.D.,
Kuzhithurai at Nagercoil,
Kanyakumari District.

+1 CC to M/s.T.SELVAKUMARAN, Advocate (SR-102532[F] dated 29/11/2019)

+1 CC to M/s. Special Government Pleader (SR-102963[F] dated 02/12/2019)

W.P. (MD) No.25360 of 2019
28.11.2019

mj
JM/06.12.2019/2P/5C

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