



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2020

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WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)Nos.10268 & 10263 of 2020

Manohar ... Petitioner in both petitions

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Pudukottai, Pudukottai District.

2.The Assistant Director,
Mines and Minerals Department,
Pudukkottai, Pudukkottai District.

3.The Inspector of Police,
Thirumayam Police Station,
Pudukottai,
Pudukottai District.

... Respondents in both

petitions

Prayer in W.P. (MD).No.10268 of 2020: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the vehicle 407 bearing Registration No.TN-22-D-3064, Chassis No.357010MTQ844463 to the petitioner by considering the petitioner's representation dated 06.07.2020.

Prayer in W.P. (MD).No.10263 of 2020: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the vehicle 407 bearing Registration No.TN-55-F-0634, Chassis No.357124BYZ803740 to the petitioner which was wrongly mentioned in FIR Cr.No.289 of 2019 on the file of the Ammapet Police Station Thanjavur as TN22D3064 by considering the petitioner's representation dated 06.07.2020.

For Petitioner : Mr.G.Mathavan

For Respondents : Mr.P.Mahendran
Additional Government Pleader
(In both petitions)



COMMON ORDER

Heard the learned counsel on either side.

2. These writ petitions have been filed seeking release of the petition mentioned vehicles.

3. The learned Additional Government Pleader states that in these cases, First Information Reports have been registered and the vehicles have also been produced before the jurisdictional criminal Court.

4. The petitioner's counsel states that the jurisdictional Criminal Court is dismissing the petition on the ground that the name of the applicant is not reflected in the RC Books.

5. I make it clear that merely because RC books do not reflect the name of the petitioner, that cannot necessarily lead to the dismissal of these petitions. The vehicle being a movable property can be sold by mere delivery. That is settled position. Therefore, if the petitioner can substantiate that he is otherwise the owner of the vehicles in question, the Court below is obliged to return the vehicles to him subject to fulfilling the other norms. All that I am clarifying is that the petitions should not suffer dismissal merely because in the RC Books, the name of the petitioner is not shown.

6. Therefore, the petitioner has to necessarily move the jurisdictional criminal Court for release of the vehicles. On such application being filed by the petitioner, it shall be disposed of within a period of ten days. Giving such liberty to the petitioner, these writ petitions stand dismissed. No costs. I make it clear that I have not gone into the merits of the matter.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:

- 1.The Revenue Divisional Officer,
Revenue Divisional Office,
Pudukottai, Pudukottai District.
- 2.The Assistant Director,
Mines and Minerals Department,
Pudukkottai, Pudukkottai District.
- 3.The Inspector of Police,
Thirumayam Police Station,
Pudukottai, Pudukottai District.

+1 CC to M/s.Special Govt.Pleader (SR-15439[F]
dated 31/08/2020)

W.P. (MD) Nos.10268 & 10263 of 2020
28.08.20204

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SDS (04.09.2020) 3P-5C