



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.8124 of 2021

(Through Video Conference)

WEB COPY

Vijayalakshmi

... Petitioner

Vs.

1)The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

2)The Inspector of Police,
CSCID Madurai Police Station,
Sivagangai.
Crime No.88 of 2020

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to release the Honda Activa Motorcycle bearing registration No.TN 55 AP 6748 to the petitioner.

For Petitioner	: Mr.V.Kannan
For Respondents	: Ms.M.Rajeswari, Government Advocate

O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to release the Honda Activa Motorcycle bearing registration No.TN 55 AP 6748 to the petitioner.

2. The learned Government Advocate appearing on behalf of the respondents submitted that the second respondent is yet to refer the case for initiation of confiscation proceedings by the first respondent. The learned counsel further submitted that the vehicle is in possession of the second respondent.

3. Heard Mr.V.Kannan, learned counsel for the petitioner and Ms.M.Rajeswari, learned Government Advocate appearing on behalf of the respondents.

4. Taking into consideration the facts and circumstances of the case, this Writ Petition is disposed of with the following directions:-

(a) The second respondent is directed to immediately refer the matter to the first respondent for initiation of confiscation proceedings under Section 6(A) of the



Essential Commodities Act, within a period of two(02) weeks from the date of receipt of a copy of this order;

(b) The petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) before the first respondent;

(c) The petitioner shall deposit the original Registration Certificate of the vehicle before the first respondent, pending the confiscation proceedings;

(d) The petitioner shall give an undertaking before the first respondent not to alienate the vehicle and to produce the vehicle, subject to the result of the confiscation proceedings; and

(e) The petitioner shall submit all the necessary documents to prove her right over the subject vehicle.

However, there shall be no order as to costs.

Sd/-

Assistant Registrar (T*P)

// True Copy //

/ /2021

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,
Sivagangai,
Sivagangai District.

2)The Inspector of Police,
CSCID Madurai Police Station,
Sivagangai.

+1 CC to M/s.SPL GP (SR-18079[F] dated 29/04/2021)

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KB(16.06.2021) 2P 4C