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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2021
CORAM :
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.10863 of 2021

Lathis Mary ...Petitioner

Vs.

1.The District Revenue Officer,
Kanniyakumari District, at Nagercoil.

2.The Revenue Inspector,
Kuzhithurai,
Vilavancode Taluk, Kanniyakumari District. ... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the Auto bearing registration No.TN 75 Z 9477 to the petitioner, seized on 13.04.2021, which is in the custody of the respondents.

For Petitioner : Mr.S.Sivakumar
For Respondents : Mr.M.Lingadurai
Government Advocate

ORDER

This writ petition has been filed for the issuance of Writ of Mandamus, directing the respondents to release the vehicle belonging to the petitioner.

2.The case of the petitioner is that his vehicle was seized by the second respondent on 13.04.2021.

3.The further case of the petitioner is that the vehicle has not been released till date and it is being kept in the Police Station exposed to rain and sun. The petitioner has also made a representation to the respondents seeking for the release of the vehicle and since the same was not acted upon, the present writ petition has been filed before this Court, seeking for appropriate directions.

4.Heard Mr.S.Sivakumar, learned counsel for the petitioner and Mr.M.Lingadurai, learned Government Advocate, for the respondents.

5.The learned Government Advocate submitted that the vehicle is in possession of the second respondent and the second respondent is yet to refer the matter to the first respondent to initiate confiscation proceedings.

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6.Taking into consideration the facts and circumstances of the case and the nature of allegations made against the petitioner, there shall be a direction to the respondents to release the vehicle to the petitioner subject to the following terms and conditions.

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

b) The petitioner shall surrender all the relevant documents before the first respondent and it shall be kept in the custody of the first respondent till the completion of the confiscation proceedings.

c)The first respondent shall immediately proceed further with the confiscation proceedings by issuing notice to the petitioner and affording him an opportunity and final order shall be passed strictly within a period of eight weeks from the date of receipt of a copy of this order and

d)The petitioner shall give an undertaking before the first respondent to the effect that the vehicle will be surrendered in case order of confiscation is ultimately passed by the first respondent.

7.The petitioner is directed to make a fresh representation to the respondents along with the copy of this order.

8.This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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 District Revenue Officer,
Kanniyakumari District, at Nagercoil.

2.The Revenue Inspector,
Kuzhithurai,
Vilavancode Taluk, Kanniyakumari District.

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+1 CC to M/s.SPL GP (SR-21040[F] dated 02/07/2021)

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