



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.16633 of 2018

and

W.M.P(MD)Nos.14720 & 14721 of 2018

WEB COPY

M.Raj

... Petitioner

Vs.

1.The District Forest Officer,
Dindigul Division,
Dindigul District.

2.The Forest Range Officer,
Ottanchathiram Range,
Ottanchathiram,
Dindigul District.

3.S.R.Gandhikumar

... Respondents

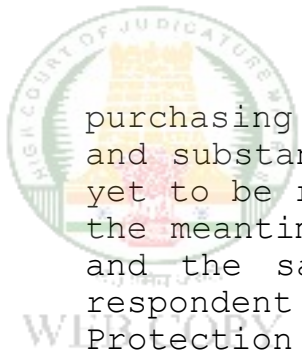
PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the first respondent in his proceedings in SE.Mu.Anai.No.6441/2014/M dated 16.12.2015 and quash the same as illegal and consequently, direct the first respondent to return back the vehicle viz., Mahindra Bolero bearing Registration No.TN 30 AM 3148 to the petitioner herein forthwith.

For Petitioner	: Mr.S.Palani Velayutham
For R-1 & R-2	: Mr.P.Thilak Kumar, Standing Counsel
For R-3	: No Appearance

ORDER

This writ petition has been filed by the petitioner seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the first respondent in his proceedings in SE.Mu.Anai.No.6441/2014/M dated 16.12.2015 and quash the same as illegal and consequently, direct the first respondent to return back the vehicle viz., Mahindra Bolero bearing Registration No.TN 30 AM 3148 to the petitioner forthwith.

2.According to the petitioner, he is running a business under the name and style of P.R.K. Auto Finance and one Gandhi Kumar availed financial assistance from the petitioner's Firm for



purchasing a Four Wheeler namely Mahindra Bolero under hire purchase and substantial amount was given to him and the remaining amount is yet to be received from him as per the hire purchase agreement. In the meantime, the said Gandhi Kumar got involved in a criminal case and the same made to be registered on 20.09.2014 by the second respondent for the offence under Sections 2, 9, 39, 49 of Wild Life Protection Act, 1972 vide W.L.O.R.No.3 of 2014. The allegation against Gandhi Kumar is that he along with other accused said to have been in possession of two Cheetah Skin and three Deer Horn and therefore, the vehicle was seized and thereafter, handed over to the learned Judicial Magistrate concerned and now, the same is in the custody of the respondents. As a Financier, the petitioner has made an application for return of the vehicle before the learned Judicial Magistrate, Ottanchathiram, Dindigul District in CrI.M.P.No.7567 of 2015. However, the same was dismissed on 03.08.2015. Challenging the said order, the petitioner has filed a revision petition before this Court and the said revision was dismissed directing the petitioner to work out his remedy in the manner known to law. While the matter stood thus, one of the co-accused has approached this Court seeking for return of his vehicle by filing writ petition in W.P(MD)No.5931 of 2016 stating that no opportunity was given before initiating the confiscation proceedings. However, the same was dismissed on 25.10.2016. Challenging the same, a writ appeal was filed in W.A(MD)No.1607 of 2016 and the same was disposed of on 17.02.2017 by holding that the order of confiscation is illegal and directing to reconsider the return of vehicle forthwith.

3. The grievance of the petitioner is that he is the Financier and the third respondent is the registered owner and he has not taken any steps to challenge the confiscation order. As a Financier, he is entitled to challenge the confiscation order made against the subject vehicle and therefore, he has come to this Court with the aforesaid prayer.

4. Heard the submissions made on either side and perused the materials available on record.

5. Admittedly, the petitioner is a financier and the vehicle was used while committing the offence under the provisions of the Wild Life Protection Act, 1972. The petitioner has now taken a stand that while the confiscation proceedings was initiated, no notice was issued to him. Under the hire purchase agreement, the third respondent has to inform the petitioner about the confiscation proceedings. If at all the petitioner is aggrieved as a financier, he has to proceed in the manner known to law as contemplated under the hire purchase agreement and he cannot maintain this writ petition.

<https://hcservices.courts.gov.in/hcservices/> of the above discussion, this writ petition is not



maintainable and the same is dismissed. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS III)

WEB COPY // True Copy //

/ /2021

Sub Assistant Registrar(CS)

pm

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 Forest Officer,
Dindigul Division,
Dindigul District.

2.The Forest Range Officer,
Ottanchathiram Range,
Ottanchathiram,
Dindigul District.

+1 CC to M/s.SPL GP (SR-19648[F] dated 18/06/2021)

W.P (MD) No.16633 of 2018

17.06.2021

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