



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.03.2022

CORAM

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

WP(MD) . No.3239 of 2022

R.Rajendran

... Petitioner

Vs

1. The Superintendent of Police,
Pudukkottai District,
Pudukkottai.

2. The Additional Superintendent of Police,
Head Quarters,
Pudukkottai District,
Pudukkottai.

...Respondents

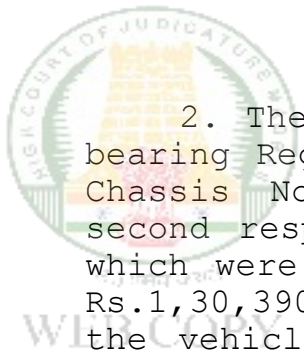
PRAYER :- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to repossess the vehicle from the petitioner bearing registration No. TN-32-F-5463, Engine No. 483DL56HZY716522, Chassis No. MAT446246A9H27228 by brand name sumo victa of TATA company and to repay an amount of Rs. 1,30,390/- remitted by the petitioner in the auction proceedings conducted by the second respondent in Na.Ka. No. G1/19763/2010/2021 dated 21.09.2021.

For Petitioner : Mr.A.Balaji

For Respondents : Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)
for R1 & R2

O R D E R

Directing the respondents to repossess the vehicle from the petitioner, bearing Registration No. TN-32-F-5463, Engine No. 483DL56HZY716522, Chassis No. MAT446246A9H27228 by brand name Sumo Victa of TATA Company and to repay an amount of Rs. 1,30,390/- remitted by the petitioner, in the public auction conducted by the second respondent, in Na.Ka.No.G1/19763/2010/2021, dated 21.09.2021, the petitioner is before this Court with this Writ Petition.



2. The case of the petitioner is that he purchased the vehicle bearing Registration No. TN-32-F-5463, Engine No. 483DL56HZY716522, Chassis No. MAT446246A9H27228, from the second respondent. The second respondent used to dispose the vehicles by public auction, which were involved in the crimes, for total sale consideration of Rs.1,30,390/-. The petitioner paid the entire amount and possessed the vehicle. However, the petitioner came to understand that the vehicle bearing Registration No. TN-32-F-5463, which was purchased by him was belonged to one Mansoor Ali of Thirukovilur Taluk, Villupuram District. The said vehicle was stolen by the accused, due to which, a complaint was lodged and the same has been registered in Crime No.304 of 2019 dated 17.07.2019. Pursuant to the same, the Regional Transport Officer, Villupuram had blacklisted the said vehicle for the reason of pendency of FIR in Crime No.304 of 2019. The same is still pending on the file of Kanai Police Station. Therefore, the petitioner made a request to the first respondent to repossess the vehicle and repay the sum of Rs.1,30,390/-, paid by the petitioner.

3. The learned Government Advocate (Crl.Side) submitted that after considering the request of the petitioner, the first respondent by the communication, dated 07.02.2022, requested the District Collector, Pudukottai, to refund the sum of Rs.1,30,390/-, in favour of the petitioner and it is pending on the file of the District Collector, Pudukottai.

4. In view of the above, the District Collector, Pudukottai is directed to refund the sum of Rs.1,30,390/- (Rupees One Lakh Thirty Thousand Three Hundred and Ninety only) in favour of the petitioner, which was paid by him in the public auction, conducted by the second respondent on 21.09.2021, within two weeks, from the date of receipt of a copy of this order. On such payment, the petitioner shall hand over the vehicle bearing Registration No. TN-32-F-5463, Engine No. 483DL56HZY716522, Chassis No. MAT446246A9H27228 by branding name Sumo Victa of TATA company forthwith.

5. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(AE)

/TRUE COPY/

31/03/2022

Sub Assistant Registrar(CS)

PNM



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 Superintendent of Police,
Pudukkottai District,
Pudukkottai.
2. The Additional Superintendent of Police,
Head Quarters,
Pudukkottai District,
Pudukkottai.
- 3 The District Collector,
Pudukkottai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

WP(MD) No.3239 of 2022

Date : 29.03.2022

MK/31.03.2022/3P/5C