

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.3289 of 2020

Surulirajan

.. Petitioner

Vs.

1.The Assistant Director,
Department of Mines and Minerals,
Collector Office, Theni,
Theni District.

2.The Revenue Divisional Officer,
Uthamapalayam Division,
Theni District.

3.The Sub-Inspector of Police,
Thevaram Police Station,
Theni District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the third respondent to release the petitioner's vehicles viz., the tractor 'Mahindra 475-DI' bearing registration No.TN-49 AZ-9918 and the trailer, bearing registration No.TN-57 A-4257 which were confiscated by the third respondent in Crime No.262 of 2018 within a stipulated time that may be

fixed by this Court by considering the petitioner's representation dated 20.12.2019.

For Petitioner	:	Mr.M.Solaisamy
For RR1 & 2	:	Mr.R.Ragavendran Government Advocate
For R3	:	Mr.M.Vaikkam Karunanithi Government Advocate

ORDER

This writ petition is filed to issue a Writ of Mandamus, directing the third respondent to release the petitioner's vehicles viz., the tractor 'Mahindra 475-DI' bearing Registration No.TN 49 AZ 9918 and the trailer, bearing Registration No.TN 57 A 4257 which were confiscated by the third respondent by considering the petitioner's representation dated 20.12.2019.

2. It is the case of the petitioner that he is doing money lending business in the name and style “Tvl. Jeyasakthi Tractor Finance” which is a partnership firm and he is the Managing Director of the firm. While so,

one Deivendiran, son of Ayyar has approached him for financial assistant to purchase the aforesaid vehicles from Murugesan and Palaniyandi for which he sanctioned the loan in the month of August, 2018. After completing all the procedures, the said Deivendiran remitted the amount to the previous owners and took possession of the vehicles. Thereafter, the said Deivendiran was taking steps to transfer ownership of the vehicles. Before transferring the ownership, Deivendiran wanted to do some renovation work. At that point of time, Deivendiran came to know that the vehicles were implicated in criminal activities and a case has also been registered on the file of the third respondent. Deivendiran did not take any efforts to release the vehicles. Further, he neither remitted the loan to the petitioner nor handed over the vehicles, instead he approached the petitioner to take possession of the vehicles, which are now in the custody of the third respondent.

3. It is the further case of the petitioner that after enquiry, he came to know that the aforementioned vehicles were not used for any illegal purpose. Hence, the petitioner approached the third respondent with a

representation dated 20.12.2019 for release of the vehicles. Since the third respondent refused to release the vehicles, the petitioner has filed this writ petition.

4. The learned Government Advocate appearing for the third respondent would submit that the third respondent is ready to release the vehicles, if the persons, who were shown as the registered owners in the RC in respect of both the tractor as well as the trailer appear before the third respondent, after following due process of law.

5. In view of the submission made by the learned Government Advocate, this Writ Petition is disposed of directing the third respondent to release the vehicles, if the registered owners appear before him with necessary proof to show that they are the registered owners and after following due process of law. No costs.

24.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes

abr

To

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P.T.ASHA, J.

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