
(2011) 01 MAD CK 0310
In the Madras High Court
Case No : Writ Petition No. 908 of 2011

B.M. Rama Murthy

APPELLANT

Vs

The Sub Collector

RESPONDENT

Date of Decision : 27-01-2011

Acts Referred:

Citation : (2011) 01 MAD CK 0310

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

Advocate : G.M. Anantha Kumar, for the Appellant; R. Thirugnanam, Spl. G.P., for the Respondent

Judgement

M. Jaichandren, J.—This writ petition has been filed praying for a Writ of Mandamus, directing the Respondent to release the Tipper vehicle bearing Registration No. TN-23-BU 1674, seized by the Respondent, on 8.1.2011, to the Petitioner.

2. Heard the learned Counsel appearing for the Petitioner and the learned Special Government Pleader appearing for the Respondent.

3. In view of the averments made by the Petitioner and taking into consideration the relief prayed for by the Petitioner and since, similar orders have been passed by this Court, the Respondent is directed to release the Tipper vehicle, bearing Registration No. TN-23-BU 1674, to the Petitioner, on his fulfilling the following conditions:

(i) The Petitioner shall establish the ownership of the vehicle, by producing the necessary documents and the certificates, before the Respondent, including the R.C. Book.

(ii) The Petitioner shall not alienate the vehicle, in any manner, till the adjudication proceedings are completed;

(iii) The Petitioner shall deposit a sum of Rs. 30,000/-(Rupees Thirty thousand

only) in cash, with the Respondent;

(iv) The Petitioner shall give an undertaking before the Respondent that he shall not use the vehicle, for any illegal purpose, in future and that he shall also produce the vehicle, as and when it is required by the Respondent; and

(v) This order for the release of the vehicle can be availed of by the Petitioner, if the vehicle is not in the custody of a criminal Court. If the vehicle is in the custody of a criminal Court, it would be open to the Petitioner to approach the Magistrate concerned to get the vehicle released, by filing an appropriate application, in accordance with law.

(vi) The adjudication proceedings shall be completed, within eight weeks from the date of receipt of a copy of this order.

4. The writ petition is disposed of, with the above directions. No costs.