

(2011) 04 MAD CK 0185
In the Madras High Court
Case No : Writ Petition No. 8706 of 2011

S. Divakaran

APPELLANT

Vs

The Revenue Divisional Officer

RESPONDENT

Date of Decision : 09-04-2011

Acts Referred:

Citation : (2011) 04 MAD CK 0185

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

Advocate : K. Premkumar, for the Appellant; R. Thirugnanam, Special Govt. Pleader, for the Respondent

Judgement

M. Jaichandren, J.—Mr. R. Thirugnanam, the Special Government Pleader, takes notice for the Respondent.

2. This Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the Respondent to release the lorry bearing Registration No.

TN-23-AJ-9027, seized by the Respondent, on 29.3.2011, to the Petitioner.

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 lorry bearing Registration No. TN-23-AJ-9027, 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, which will be subject to the final orders to be passed in the adjudication proceedings.

(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 the 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 by the concerned authority, within a period of two months from the date of receipt of a copy of this order.

4. With the above directions, the Writ Petition is disposed of. No costs. Connected M.P. No. 1 of 2011 is closed.