

(2010) 12 MAD CK 0160
In the Madras High Court
Case No : Writ Petition No. 25847 of 2010

S. Pannerselvam

APPELLANT

Vs

The District Revenue Officer

RESPONDENT

Date of Decision : 08-12-2010

Acts Referred:

Citation : (2010) 12 MAD CK 0160

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

Advocate : C. Prakasam, for the Appellant; S. Gopinathan, Additional Government Pleader, for the Respondent

Judgement

M. Jaichandren, J.—Mr. S. Gopinathan, the Additional 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. KA-01-C-4775, seized by the Inspector of Police, Chennimalai Police Station, Chennimalai, Erode, to the Petitioner.

3. Heard Mr. C. Prakasam, the learned Counsel appearing on behalf of the Petitioner and Mr. S. Gopinathan, Additional Government Pleader, appearing on behalf of the Respondent.

4. 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. KA-01-C-4775, 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.

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