

(2010) 12 MAD CK 0217

Madras High Court

Case No: Writ Petition No. 28560 of 2010

A. Balasubramaniam

APPELLANT

Vs

The District Revenue Officer and
The Inspector of Police

RESPONDENT

Date of Decision: Dec. 22, 2010

Hon'ble Judges: M. Jaichandren, J

Bench: Single Bench

Advocate: M.N. Balakrishnan, for the Appellant; S. Gopinathan, Addl. Govt. Pleader, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

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 Respondents to release the TATA ACE BS II Delivery Van, bearing Registration No. TN-42-1074, to the Petitioner.

3. Heard Mr. M.N. Balakrishnan, the learned Counsel appearing on behalf of the Petitioner and Mr. S. Gopinathan, Additional Government Pleader, appearing on behalf of the Respondents.

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 second Respondent is directed to release the the TATA ACE BS II Delivery Van, bearing Registration No. TN-42-1074, 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. 15,000/-(Rupees Fifteen 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 the criminal Court. If the vehicle is in the custody of the 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.