

W.P.(MD)No.2617 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.2617 of 2025

Manikandan

... Petitioner

Vs.

1.The Superintendent of Police,
Nagercoil, Kanyakumari District.

2.The Inspector of Police,
Thakkalai Police Station,
Kanyakumari District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Mandamus directing the respondents to take necessary steps to release the vehicle Mahindra Nissan Tempo bearing Registration No.TN-01 AC-0469 and the two wheeler TVS APACHE bearing registration No.TN-74 AJ-5824 based on the petitioner's representation dated 11.01.2025 within a stipulated time in accordance with law.

For Petitioner : Mr.M.Manikandan

For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.



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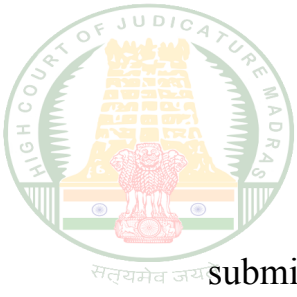
ORDER

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This writ petition has been filed to direct the respondents to take necessary steps to release the vehicle Mahindra Nissan Tempo bearing Registration No.TN-01 AC-0469 and the two wheeler TVS APACHE bearing registration No.TN-74 AJ-5824 based on the petitioner's representation dated 11.01.2025 within a time frame.

2.In continuation and conjunction to the earlier order passed by this Court dated 30.01.2025, today, ie., 31.01.2025, the Inspector of Police, Thakkalai Police Station, Kanyakumari District is present and he informs that the petitioner and others were playing cricket on the day and ran away from the scene of occurrence and hence, there is no question of seizure of the mobile phone. He further informs that the vehicles which were pointed out in the petition, were taken to the Police Station and the petitioner was asked to produce credentials of the vehicle and so far they have not produced any documents and therefore, the vehicles have been retained in the Police Station.

3.The learned Additional Public Prosecutor appearing for the respondents by referring the type-set filed by the petitioner, would



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submit that the two wheeler TVS APACHE bearing registration No.TN-74 AJ-5824, which is stand in the name of one Vijay and the said Vijay has not approached the respondents seeking return of vehicle. Further, the information revealed that the said Vijay is out of station. Either the said Vijay or his family members can come and give credentials in support of the claim for the bike. With regard to the other vehicle, namely Mahindra Nissan Tempo bearing Registration No.TN-01 AC-0469, he would further submit that the enquiry revealed that the claim of the petitioner is that the vehicle was purchased from one Chellaiah, son of Natarajan on 20.10.2024. The enquiry reveals that the said Chellaiah passed away on 29.10.2022 itself. A dead person is said to have executed the sale agreement and therefore, the credentials is doubtful. Proper owner of the vehicle or legal hires may request to return the vehicle and the same would be considered by the respondents.

4.Recording the above submission of the learned Additional Public Prosecutor, this writ petition is disposed of. No costs.

31.01.2025

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M.NIRMAL KUMAR, J.

gns

To

- 1.The Superintendent of Police,
Nagercoil, Kanyakumari District.
- 2.The Inspector of Police,
Thakkalai Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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31.01.2025