

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.9359/2014

M.Marayee

..Petitioner

Versus

1.The District Collector  
Erode District, Erode.

2.The District Revenue Officer  
Erode District, Erode.

3.The Inspector of Police  
Civil Supplies CID  
No.102, Nachimuthu Gounder  
Complex, Veerappampalayam,  
Perundurai Road.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to release the vehicle, namely, Tata 407 Van bearing Regn.No.TN 33 Z 3745 which was seized in connection with a case registered in crime No.402/2013 on the file of the 3<sup>rd</sup> respondent.

For Petitioner : Mr.C.Munusamy

For RR 1 to 3 : Mr.S.Gunasekaran, GA

ORDER

Heard Mr.C.Munusamy, learned counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate appearing for the respondents 1 to 3 and perused the materials available on record.

2.The petitioner seeks for issuance of a writ of mandamus to direct the respondents to release the vehicle, namely, Tata 407 Van bearing Regn.No.TN 33 Z 3745 which was seized in connection with a case registered in crime No.402/2013 on the file of the 3<sup>rd</sup> respondent.

3.The learned counsel for the petitioner would submit that the allegation on which the vehicle has been seized is that it has been used by two other persons for transporting 2300 litres of Kerosene. The petitioner would state that though the vehicle was seized on

24.09.2013, till date no proceedings have been initiated for confiscation of the vehicle.

4.The learned Government Advocate, on written instructions from the respondents, would submit that already confiscation proceedings have been initiated by the 2<sup>nd</sup> respondent and a notice dated 01.04.2014 in Na.Ka.No.35876/2013/K3 has been issued to the petitioner.

5.Learned counsel for the petitioner would submit that no notice has been received by the petitioner from the 2<sup>nd</sup> respondent.

6.In the light of the above, there will be a direction to the 2<sup>nd</sup> respondent to issue fresh notice to the petitioner within a period of two weeks from the date of receipt of a copy of this order and after such notice, the petitioner shall be heard in the matter and he is entitled to file his objections from the 2<sup>nd</sup> respondent and thereafter, the 2<sup>nd</sup> respondent shall pass final orders within a period of three weeks after conclusion of the proceedings.

7.The writ petition is disposed of with the above direction. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1.The District Collector  
Erode District, Erode.

2.The District Revenue Officer  
Erode District, Erode.

3.The Inspector of Police  
Civil Supplies CID  
No.102, Nachimuthu Gounder  
Complex, Veerappampalayam,  
Perundurai Road.

+ 1 cc to the Government pleader Sr.9435

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PPA(CO)

Eu 06.03.15