

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.18201 of 2015

S.Vinothkumar

... Petitioner

Vs.

The District Revenue Officer,
Krishnagiri, Krishnagiri District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the respondent to return original R.C. book which is relating to Tata Mini Tempo bearing Registration No.KA-08-5611 to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.N.Roofus Abraham,
Government Advocate

ORDER

By the consent of the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent, the writ petition is taken up for disposal at the admission stage itself.

2. The petitioner claims that he is the owner of Tata Mini Tempo bearing Registration No.KA-08-5611 and according to him, the said vehicle was entrusted to his driver with strict instructions to use the said vehicle only for lawful purposes. The petitioner would further state that on 17.09.2012 the said vehicle was engaged by the trader for transport of 58 bags of rice each weighing 50 kg under a cover of valid bill. Accordingly, the vehicle was carrying the said load and it was intercepted by the Inspector of Police, Civil Supplies CID, Krishnagiri, Krishnagiri District and he seized the vehicle as well as the contraband. The petitioner has filed W.P.No.34277 of 2012 for release of the above said vehicle and it was ordered on 20.12.2012 subject to the following conditions:

(i) The petitioner shall deposit a sum of

Rs.25,000/- (Rupees Twenty five Thousand only) in cash before the respondent.

(ii) The petitioner shall produce the documents relating to the ownership of the vehicle.

(iii) The petitioner shall file an undertaking that he will produce the vehicle in question before the respondent as and when called for and that he will not alienate the vehicle in question till the proceedings initiated are completed.

(iv) On compliance of the above conditions, the respondent is directed to release the vehicle to the petitioner within three days.

(v) The respondent is directed to pass final orders in the adjudication proceedings, within a period of two months.

(vi) This order for release of the vehicle can be availed of by the petitioner, if the vehicle is not in the custody of criminal Court. If the vehicle is in the custody of the criminal court, it is open to the petitioner to approach the jurisdictional Magistrate to get release of the vehicle by filing appropriate application and the same can be considered in accordance with law.

(vii) As the vehicle is under the custody of the respondent, the above order is to be complied with within three days, if no order of adjudication or confiscation is passed as on today.

3. The grievance expressed by the petitioner is that the Registration Certificate pertaining to the above said vehicle was also seized and without the original Registration Certificate book he cannot ply the said vehicle and in this regard, submitted a representation dated 12.6.2015 to the respondent for return of the R.C. book. Since he has not been issued with the R.C.book, has filed this writ petition.

4. Heard the learned counsel appearing for the petitioner, who submits that the vehicle in question, is already ordered to be returned by way of interim custody. Therefore, there cannot be any impediment to return the original R.C.book and the interest of the respondent has been sufficiently safeguarded by releasing the vehicle subject to conditions imposed in pursuant to the order dated 20.12.2012 in W.P.No.34277 of 2012 and hence, prays for return of the original R.C.book.

5. Per contra, Mr.N.Roofus Abraham, learned Government Advocate would submit that the confiscation proceedings have already been initiated and though notice has been served on the petitioner he

failed to respond to the same and therefore appropriate directions may be issued to the petitioner to cooperate with the said enquiry and on his participation in the enquiry, final orders would be passed.

6. This Court considered the rival submissions and perused the materials on record.

7. Admittedly, the vehicle in question was ordered to be returned by way of interim custody vide order dated 20.12.2012 made in W.P.No.34277 of 2012. and sufficient safeguards are made to protect the interest of the respondent. The specific case of the petitioner is that he require the R.C.book of the vehicle for the purpose of using the vehicle to earn his livelihood.

8. In the considered opinion of the Court, the submission of the petitioner cannot be said to be unreasonable. However, the petitioner is under obligation to cooperate with the respondent in the confiscation proceedings.

9. In the result, the writ petition is disposed of by directing the respondent to return the original R.C. book pertaining to the vehicle bearing Registration No.KA-8-5611 to the petitioner within a period of one week from the date of receipt of copy of this order. The petitioner shall keep the same in his custody and produce the same as and when required by the respondent or police authorities. The petitioner shall also extend his cooperation to the respondent to conclude the confiscation proceedings in accordance with law and the respondent shall conclude the confiscation proceedings within a period of four weeks from the date of receipt of copy of this order. However, there is no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

The District Revenue Officer,
Krishnagiri, Krishnagiri District.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.33142
+1cc to the Government Pleader, S.R.No.33348

W.P.No.18201 of 2015

MG(CO)
CA(14/07/2015)