

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

Writ Petition No.26496 of 2014

1 Prabakaran .. Petitioner

Vs.

1 The District Collector
Salem, Salem District

2 The District Revenue Officer
Salem District, Salem

3 Inspector of Police
Civil Supplies (CID) Police Station
Salem

.. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus directing the respondents to release the TATA ACE vehicle bearing Registration No.TN 47 W 9030 seized by the 3rd respondent on 25.06.2013 to the petitioner.

For Petitioner : Mr.R.Satheeshkumar

For Respondents : Mr.S.Gunasekaran, G.A

O R D E R

Heard Mr.R.Satheeshkumar, learned counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate appearing for the respondents and with the consent of the learned counsel on either side, the Writ Petition itself is taken up for disposal.

2. The petitioner seeks for a direction to the respondents to release the TATA ACE vehicle bearing Registration No.TN 47 W 9030, which was seized by the 3rd respondent on 25.06.2013 on the allegation that it was transporting the rice meant for public distribution.

3. The petitioner has submitted a representation on 30.04.2014 stating that the vehicle has been detained for six months and

exposed to sun and rain and therefore requested for release of the vehicle. It is not known as to whether any confiscation proceeding has been commenced and whether any order has been passed.

4. Under such circumstances, this Writ Petition is disposed of with following direction:

i) If confiscation proceeding has not been initiated and no order has been passed, then the respondents shall release the vehicle, viz., TATA ACE vehicle bearing Registration No.TN 47 W 9030 to the petitioner, subject to the condition that the petitioner pays a sum of Rs.25,000/- (Rupees twenty five thousand only);

ii) If confiscation has already been commenced and orders passed, the benefit of this order directing release of the vehicle will not accrue to the petitioner and the petitioner is at liberty to challenge the order of confiscation.

No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

ajr

To

- 1 The District Collector
Salem, Salem District
- 2 The District Revenue Officer
Salem District, Salem
- 3 Inspector of Police
Civil Supplies (CID) Police Station
Salem

1 cc to Mr.R. Satheeskumar, Advocate, Sr. 8280
1 cc to Government Pleader, Sr. 8067

W.P.No.26496 of 2014

SCD (CO)
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