

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.27593 of 2014

E.M.Vijayan

.. Petitioner

Vs.

1.The District Revenue Officer
Coimbatore,
Coimbatore District 641 018.

2.Inspector of Police
Civil Supplies CID
Coimbatore 641 018.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of certiorarified mandamus to call for the order of the first respondent in Na.Ka.1688/2014 Ke5 dated 21.07.2014, quash the same and consequently, direct the respondents to release the petitioner's vehicle i.e. Mahindra Xylo Car bearing registration No.TN-38-BS-4270.

For Petitioner : Mr.K.Elangovan

For Respondents : Mrs.P.Rajalakshmi
Govt.Advocate

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.Heard Mr.K.Elangovan, learned Counsel appearing for the petitioners and Mrs.P.Rajalakshmi, learned Government Advocate, appearing for the respondents.

3.The petitioner has come forward with this Writ Petition challenging the order passed by the first respondent dated 21.07.2014, and to direct the respondents to release his vehicle i.e. Maindra Xylo Car bearing registration No.TN-38-BS-4270.

4. According to the petitioner he is the owner of the vehicle bearing registration No. TN-38-BS-4270 and he is carrying on the business of providing contractual service of hiring cars to companies to pick up and drop the employees and sometime to carry foods for them and engaged one Saravanan as Driver of the vehicle. During the course of business on 08.03.2014, his vehicle was seized by the second respondent, alleging that the vehicle was used for illegal transportation of PDS rice and a case was registered in Crime No.65 of 2014, on the file of the respondent Police for the alleged offence under Order 6(4) of TNSC (RDCS) order 1982, read with Section 7(1) a(ii) of Essential Commodities Act.

5. The learned counsel for the petitioner submits that the petitioner is the owner of the vehicle and he had no knowledge about the alleged incident nor had any involvement in the alleged transportation of PDS rice. He would further submit that the first respondent by order dated 21.07.2014, directed the petitioner to pay a fine amount of Rs.2,75,000/-, for release of the vehicle. The learned counsel would submit that as the petitioner is not in a position to pay such a huge amount and as the vehicle seized by the second respondent is kept in the open area without any protection from sunlight and rain, prays for release of the vehicle.

6. In the light of the above the second respondent is directed to release the vehicle viz. Mahindra Xylo Car bearing registration No. TN-38-BS-4270, to the petitioner, subject to the petitioner complying the following conditions :

- a) the petitioner shall prove his ownership of the vehicle by producing the R.C. Book and other relevant records ;
- b) the petitioner shall not alienate or encumber the vehicle in any manner ;
- c) the petitioner shall deposit a sum of Rs.75,000/- to the credit of Crime No.65 of 2014, on the file of the second respondent Police ; and
- d) the petitioner shall give an undertaking that he will not use the vehicle for any illegal activities in future, and
- e) the petitioner shall also produce the vehicle as and when required by the respondent police.

The Writ Petition is disposed of accordingly. No costs.
Consequently, connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

rpa

To

1.The District Revenue Officer
Coimbatore,
Coimbatore District 641 018.

2.Inspector of Police
Civil Supplies CID
Coimbatore 641 018.

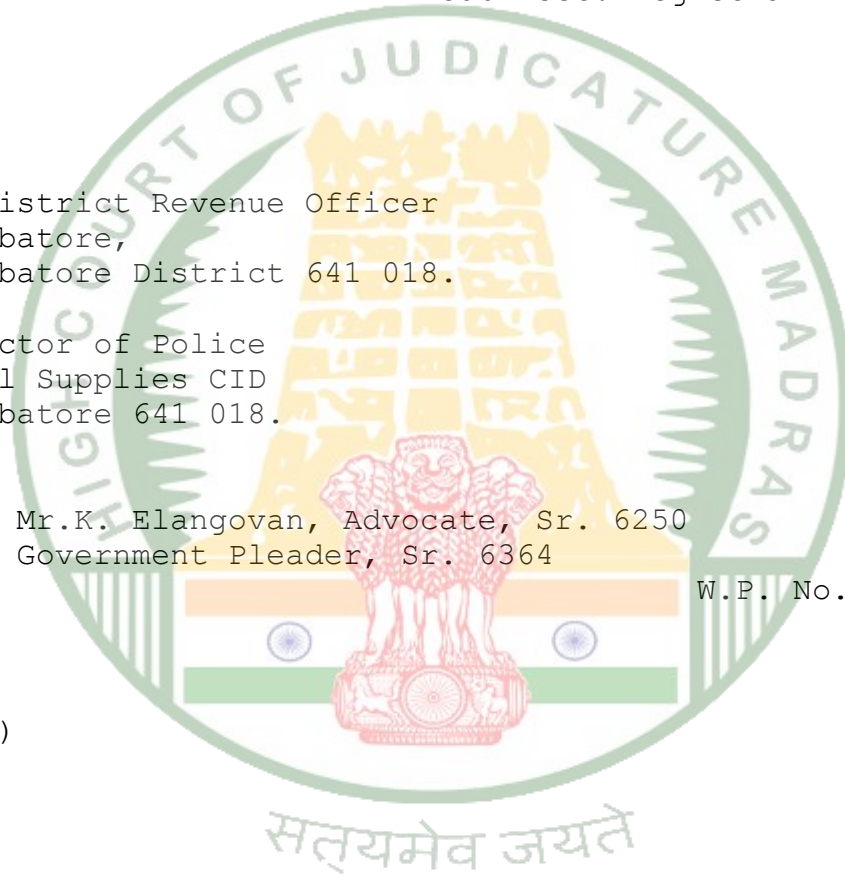
1 cc to Mr.K. Elangovan, Advocate, Sr. 6250

1 cc to Government Pleader, Sr. 6364

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