

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.2946/2015

S.Anwarbasha

..

Petitioner

Versus

The District Revenue Officer
Coimbatore, Coimbatore 641018.

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondent to release the Eicher 105 ORHDECAB, Body bearing Registration NO.TN-72-AQ-0312 seized by the Inspector of Police, Civil Supplies CID, Coimbatore, on 15.09.2014 to the petitioner.

For Petitioner : Mr.M.Vinoth

For Respondent : Mrs.P.Rajalakshmi, GA

ORDER

Heard Mr.M.Vinoth, learned counsel for the petitioner and Mrs.P.Rajalakshmi, learned Government Advocate appearing for the respondent and with their consent, the writ petition is disposed of at the admission stage itself.

2.The petitioner seeks for issuance of a writ of mandamus to direct the respondent to release the Eicher 105 ORHDECAB, Body bearing Registration NO.TN-72-AQ-0312 seized by the Inspector of Police, Civil Supplies CID, Coimbatore, on 15.09.2014 to the petitioner.

3.According to the petitioner, he is the owner of the Eicher concerned and the same was entrusted with his driver to use the same as common carrier only for lawful purposes.

4.Taking into consideration, the relief sought for, the respondent is directed to release the Eicher 105 ORHDECAB, Body bearing Registration NO.TN-72-AQ-0312 to the petitioner on fulfilling the following conditions:-

[a]The petitioner shall deposit a sum of Rs.25,000/-
[Rupees Twenty Five thousand only] in cash before the respondent.

[b]The petitioner shall produce the documents relating to the ownership of the vehicle.

[c]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.

[d]On compliance of the above conditions, the respondent is directed to release the vehicle to the petitioner within three days.

[e]The respondent is directed to pass final orders in the adjudication proceedings, within a period of two months.

[f]The order for release of the vehicle can be availed 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.

5.The writ petition is disposed of subject to the above conditions. No costs.
ap

-s/d-
Assistant Registrar (CS-II)
Dt:9/2/2015

True Copy

Sub-Assistant Registrar

To

The District Revenue Officer
Coimbatore, Coimbatore 641018.

+ 1 cc to M/s.M.Vinoth, Advocate SR 6420

+ 1 cc to Government Pleader, High Court, Madras 6674

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