

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.32580 of 2015

I.Kannan

... Petitioner

- Vs -

The District Revenue Officer,
Namakkal District,
Namakkal.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of of Certiorarified Mandamus, calling for the records of the respondents with relates to the impugned order dated 20.04.2015 passed by the respondent bearing Ref.No.Na.Ka.24627-2014(F3), thereby imposing a fine of Rs.7.00 Lakhs to release the petitioner's vehicle, Ashok Leyland lorry bearing Reg.No.TN 28 AM 7242 confiscated in pursuant to the involvement in Crime No.66 of 2014 on the file of the CSCID Police Station, Namakkal, and quash the same and consequently direct the respondent to release the Ashok Leyland Lorry bearing Reg.No.TN 28 AM7242 to the petitioner on the receipt of a fine of the market price of the essential commodities.

For Petitioner : Mr.G.K.Ilanthiraiyan
for M/s.Sai Bharath and Ilan

For Respondent : Mrs.P.Rajalakshmi, Govt. Advocate

O R D E R

Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondent.

2. The petitioner is the owner of the Vehicle viz., Ashok Leyland lorry bearing Registration No.TN 28 AM 7242. The petitioner's vehicle was impounded along with 700 kgs of PDS rice meant for public distribution. After affording an opportunity to the petitioner, an order was passed on 20.04.2015 imposing a fine of Rs.7 lakhs. Challenging the same, the present Writ Petition has been filed.

3.The learned counsel for the petitioner submitted that the valuation of the vehicle has been wrongly taken into consideration. The petitioner's vehicle is in custody for morethan one year and the petitioner has suffered sufficiently and hence prayed to allow this Writ Petition.

4.The learned Government Advocate appearing for the respondents has submitted that there is an alternate remedy available to the petitioner. It is the petitioner who made his statement and based on the same, the order impugned has been passed. Hence, no interference is required.

5. This Court is concerned only with the quantum of punishment imposed. The order impugned has been passed on 20.04.2015 and the vehicle has been taken into custody on 13.10.2014. Admittedly, morethan one year has been elapsed and the petitioner's vehicle is in the custody of the respondent for the past one year and this alone could be the sufficient punishment for the petitioner, apart from wear and tear of the vehicle which is now in the custody of the respondents. The respondents committed a mistake in the calculation of the value of the vehicle along with the material seized.

6. In view of the same, the Impugned order dated 20.04.2015 is modified by directing the petitioner to pay a sum of Rs.40,000/- as penalty. The said amount will have to be paid within a period of two weeks from the date of receipt of a copy of this order. On such payment, the vehicle seized shall be released.

This Writ Petition is disposed of accordingly. No costs.
arr

-s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To

The District Revenue Officer,
Namakkal District,
Namakkal.

+ 1 cc to Govt.Pleader SR 59230
+1 cc to M/s.Sai,Bharath & Ilan,Advocate(sr.58919)2/11/2015

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