

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.5054 of 2015

Anand

.. Petitioner

Vs.

1.The Joint Commissioner
Tamilnadu Civil Supply Department
Ezhilagam, Chennai 600 005.

2.The Inspector of Police
Manali Poilice Station
Chennai 600 068

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct the respondents to consider the petitioner's representation dated 20.02.2015, seeking return of petitioner's vehicle TATA ACE HT LOAD BODY bearing Regn.No.TN19L 0883 (Chassis No.MAT445075DVF44207 & Engine No.275IDI07FWYSC3966) which was seized by the second respondent in respect of the Cr.No.2141/2014 for the offences under section 7(1) a (ii) of Essential Commodities Act - 1955.

For Petitioner : Mr.K.Madhavan

For Respondents : Mr.M.L.Mahendran
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.Madhavan, learned Counsel appearing for the petitioners and Mr.M.L.Mahendran , learned Government Advocate, appearing for the respondents.

3.The petitioner has come forward with this Writ Petition for issuance of a Writ of mandamus to direct the respondents to consider

the petitioner's representation dated 20.02.2015, seeking return of petitioner's vehicle TATA ACE HT LOAD BODY bearing Regn.No.TN19L 0883 (Chassis No. MAT445075DVF44207 & Engine No. 275IDI07FWYSC3966) which was seized by the second respondent in respect of the Cr.No.2141/2014 for the offences under section 7(1) a (ii) of Essential Commodities Act - 1955.

4.According to the petitioner he is the owner of the vehicle bearing registration No. TN19L 0883 and depending upon the income coming out from the vehicle and he handed over the vehicle to his friend for urgent purpose. As the vehicle was not returned back, he enquired the matter and came to know that the vehicle was seized by the second respondent Police, alleging that the vehicle was used for illegal transportation of one barrel of oil containing 50 litres, one can containing 10 litres and 5 empty white can and the driver along with one person escaped from the scene of occurrence and hence a case was registered in Crime No.2141/2014, on the file of the second respondent Police for the alleged offence under section 7(1) (a) (ii) of the 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 aforesaid items. He would further submit that the the learned Magistrate, Thiruvottiur dismissed the application filed by him under section 451 Cr.P.C. on the ground that the first respondent has the authority to release the vehicle. The learned counsel further submits that 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. TATA ACE HT LOAD BODY bearing Regn.No.TN19L 0883 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.25,000/- to the credit of Crime No.2141 of 2014, on the file of the **Learned Judicial Magistrate No.I, Tiruvallur;**
- 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.

Sd/-

Assistant Registrar (CO)

Dated : 06.03.2015

***Corrected as per order of
this court dated 23.04.2015
made in W.P.No.5054 of 2015
as made herein.**

Sd/- Assistant Registrar

Dated : 24.04.2015

//True Copy//

Sub Assistant Registrar

rpa

To

1. The Joint Commissioner
Tamilnadu Civil Supply Department
Ezhilagam, Chennai 600 005.
2. The Inspector of Police
Manali Poilice Station
Chennai 600 068.

To be substituted for
the order already
despatched on 09.03.2015

3. **The Learned Judicial Magistrate No.I,
Tiruvallur.**

1 cc to Mr.K.Madhavan ,Advocate, SR.No.22262

1 cc to Government Pleader,Sr.No12185

pmk.6.3.2015
PSI 27.04.2015

W.P. No.5054 of 2015

WEB COPY