

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.5363 of 2015

B.Vadivel

... Petitioner

Vs.

1. The District Revenue Officer,  
Dharmapuri District  
Dharmapuri.
  2. The Inspector of Police  
CSCID, Krishnagiri, Dharmapuri District  
Dharmapuri.
  3. The District Supply Officer  
Dharmapuri District  
Dharmapuri.
- ... Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to release the vehicle bearing registration No.TN.38 H 4750, Eicher Lorry vehicle to the petitioner.

For Petitioner : Mr.A.E.Kalaiselvan

For Respondent : Mr.R.Vijayakumar

Additional Government Pleader

O R D E R

Heard Mr.A.E.Kalaiselvan, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondent and perused the materials placed on record. With the consent of either side the writ petition itself is taken up for final disposal.

2.The prayer in this writ petition is to direct the respondents to release the vehicle bearing registration No.TN.38 H 4750, Eicher Lorry vehicle to the petitioner.

3.Learned counsel for the petitioner would state that the petitioner is innocent and is the owner of the vehicle and he has not committed any illegality. Further, it is submitted that the only source of livelihood is the vehicle and the petitioner is unable to pay the EMI towards the loan availed for purchase of the vehicle.

4.The learned Additional Government Pleader on written instructions from the Inspector of Police, CSCID, Krishnagiri submitted that the PDS rice has already been seized and proceedings under Section 6A of the Essential Commodities Act has been directed to be initiated and the file has been forwarded to the District Revenue Officer. Thus, it is seen that as on date, the vehicle has not been confiscated. Hence, taking into consideration the earlier orders passed by this Court, this writ petition is disposed of with the following direction.

5.The respondent is directed to release the Eicher lorry bearing registration No.TN.38 H 4750 to the petitioner on fulfilling the following conditions:-

(i)The petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only), if the offence was committed for the first time; Rs.20,000/- (Rupees Twenty Thousand Only), if the offence was committed for the second time; and Rs.25,000/- (Rupees Twenty Five Thousand Only), if the offence was committed for the third time, in cash with the respondent concerned.

(ii)The petitioner shall produce the documents relating to the ownership of the vehicle.

(iii)The petitioner shall file an undertaking that he will produce the vehicle in question before the respondent concerned as and when called for and that he will not alienate the vehicle in question till the proceedings initiated are completed.

(iv)On compliance of the above conditions, the respondent concerned is directed to release the vehicle to the petitioner within two days and

(v)The respondent concerned is directed to pass final orders in the adjudication proceedings, within a period of two months.

6.This writ petition is disposed of subject to the above conditions. No costs.

-s/d-

Assistant Registrar (CS-II)

Dt:9/3/2015

True Copy

Sub-Assistant Registrar

To

1. The District Revenue Officer,  
Dharmapuri District  
Dharmapuri.
  2. The Inspector of Police  
CSCID, Krishnagiri, Dharmapuri District  
Dharmapuri.
  3. The District Supply Officer  
Dharmapuri District  
Dharmapuri.
- + 1 cc to M/s.A.E.Kalaiselvan, Advocate SR 12824

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