

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.03.2015

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.7252 of 2015

Shoukath Ali

... Petitioner

Vs

The District Revenue Officer
O/o. Collectorate Office
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 Lorry Heavy Vehicle bearing Registration No. KL-13-5207 seized by the Inspector of Police Civil Supplies CID Coimbatore on 22.07.2014 to the petitioner.

For Petitioner : Mr.M.Vinoth

For Respondent : Mr.M.L.Mahendran, Govt. Advocate

ORDER

By consent of both sides, the writ petition itself is taken up for final disposal even at the admission stage.

2. The petitioner has filed the above writ petition to direct the respondent to release the Lorry Heavy Vehicle bearing Registration No. KL-13-5207 seized by the Inspector of Police, Civil Supplies CID, Coimbatore, on 22.07.2014 to the petitioner.

3. According to the petitioner, he is the owner of the lorry 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 lorry bearing registration No.KL-13-5207 to the petitioner, on fulfilling the following conditions:

(i) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand), in cash before the respondent.

(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 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 is directed to release the vehicle to the petitioner within three days.

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

(vi) The order for release of the vehicle can be availed of 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 the release of the vehicle by filing appropriate application and the same can be considered in accordance with law.

(vii) As the Lorry was seized on 22.07.2014, the above order to be complied within three days, if no order of adjudication is passed or confiscation is passed as on today.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The District Revenue Officer
O/o. Collectorate Office
Coimbatore-641018.

2.The Inspector of Police,
Civil Supplies CID,
Coimbatore.

+1cc to Mr.M.Vinoth, Advocate, S.R.No.14481
+1cc to the Government Pleader, S.R.No.14766

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CTK(CO)
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