

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.8942 of 2015

S.Devi

... Petitioner

Vs.

The District Revenue Officer,
The Nilgiris District,
Ooty.

... Respondent

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to release the Mahendra Pickup Van bearing Registration No.TN-43-B-5274 seized by the Inspector of Police, Civil Supplies CID, Coimbatore, Coimbatore District on 03.01.2015 to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondent : Ms.P.Rajalakshmi
Government Advocate

O R D E R

Heard C.Prakasam, learned counsel appearing for the petitioner and Ms.P.Rajalakshmi, learned Government Advocate appearing for the respondent. With the consent of either side the writ petition itself is taken up for final disposal at the admission stage.

2.The prayer in this writ petition is to direct the respondent to release the Mahendra Pickup Van bearing Registration No.TN-43-B-5274 seized by the Inspector of Police, Civil Supplies CID, Coimbatore, Coimbatore District on 03.01.2015 to the petitioner.

3.According to the petitioner, he is the owner of the Mahendra Pickup Van concerned and on suspicion that the vehicle was used as pilot for transporting rice bags, the vehicle was seized, but no rice bags were seized from the said Mahendra Pickup Van.

4. Taking into consideration the relief sought for, the respondent is directed to release the Mahendra Pickup Van bearing Registration No. TN-43-B-5274 to the petitioner on fulfilling the following conditions:-

(i) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) 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) This 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 release of the vehicle by filing appropriate application and the same can be considered in accordance with law.

(vii) As the Mahendra Pickup Van was seized on 03.01.2015, the above order to be complied within three days, if no order of adjudication is passed or confiscation is passed as on today.

5. This 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,
The Nilgiris District,
Ooty.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.17411

+1cc to the Government Pleader, S.R.No.17602

W.P.No.8942 of 2015

VSN(CO)
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