



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2015

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.10264 of 2015

D.Malayalam

... Petitioner

Vs.

1.The District Revenue Officer,
Trichy District, Trichy.

2.The Inspector of Police,
Civil Supplies Crime Investigation Department,
Trichy.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to release the lorry bearing Registration No.TCK-5434 seized by the second respondent on 11.06.2015, to the petitioner.

For Petitioner : Mr.T.Lenin Kumar
For Respondents : Mr.S.Chandrasekar,
Government Advocate

O R D E R

This writ petition is filed for a Writ of Mandamus directing the first respondent to release the lorry bearing Registration No.TCK-5434 seized by the second respondent on 11.06.2015, to the petitioner.

2.In the affidavit filed in support of this writ petition, it is stated that the vehicle in question was seized by the second respondent on 11.06.2015 alleging that the vehicle was used to transport 100 bags of rice (each weighing 50 Kgs.), and the same was produced before the first respondent. The petitioner made a detailed representation to the first respondent in person on 15.06.2015 for release of vehicle. But no steps have been taken for the same. Hence the present writ petition.

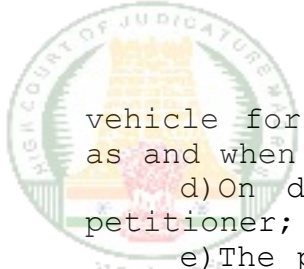
3.Heard the learned counsel on either side.

4.Considering the facts and circumstances of the case and the submissions made on either side, I am of the opinion that if the seized vehicle is exposed to sun and rain, it would be losing its value. Also, appropriate orders are to be passed by the first respondent after giving due opportunity to the petitioner. Under such circumstances, I am inclined to direct the first respondent to release the vehicle in question to the petitioner, on the following conditions:

a)The petitioner shall produce documents before the first respondent to establish the ownership of the vehicle in question;

b)The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) with the first respondent;

c)The petitioner shall give an undertaking that he will not use the



vehicle for any illegal activities in future and shall produce the same as and when required by the first respondent;

d) On doing so, the vehicle in question shall be returned to the petitioner;

e) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned; and

f) The first respondent thereafter shall pass appropriate orders and take appropriate action with regard to the vehicle or proceed against the owner of the vehicle.

5. The writ petition is disposed of accordingly. No costs.

Sd/-

The Assistant Registrar (AS)

/True copy/

Sub-Assistant Registrar

To

1. The District Revenue Officer,
Trichy District, Trichy.

2. The Inspector of Police,
Civil Supplies Crime Investigation Department,
Trichy.

+1cc to Mr. T. Leninkumar, Advocate SR.No.37912/15
+1cc to special Government Pleader SR.No.38060/15

KM

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