



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.(MD)No.15394 of 2015

K.N.Parthasarathy

.. Petitioner

Vs.

1.The District Revenue Officer,
Thanjavur.

2.The Inspector of Police,
C.S.CID, Thanjavur,
Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to release petitioners Maruthi Amni Van bearing Registration No.TN 68 C 8902 seized by the second respondent on 08.07.2015 to the petitioner.

For Petitioner : Mr.K.Kumaravel

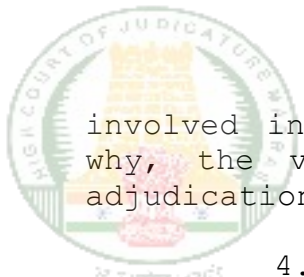
For Respondents : Mr.S.Kumar
Addl.Govt.Pleader

ORDER

This writ petition has been filed for a writ of Mandamus directing the first respondent to forthwith release the petitioner's Maruthi Amni Van bearing Registration No.TN 68 C 8902.

2.The case of the petitioner is that he is the absolute owner of the Maruthi Omni Van bearing Registration No.TN 68 C 8902. The said van was rented to one Balasubramanian and he used to give Rs.500/- per day. While so, on 08.07.2015, the second respondent informed the petitioner that the said Van was found in possession of 10 bags of PDS rice. In spite of the request made by the petitioner, the second respondent has seized the said van along with rice bags. Thereafter, the petitioner has given a representation on 21.08.2015 to the first respondent, but the same has not been considered so far. Hence, the petitioner has filed the present writ petition.

3.When the matter is taken up for consideration, the learned Additional Government Pleader submitted that the petitioner has been



involved in illegal transportation of PDS rice and that is the reason why, the vehicle was seized. He would further submit that now the adjudication proceeding is pending before the second respondent.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

5. 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. Under such circumstances, I am inclined to direct the first respondent to release the vehicle in question pending the adjudication proceedings to the petitioner on the following conditions:-

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

(ii) The petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) with the first respondent;

(iii) 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;

(iv) On doing so, the vehicle in question shall be returned to the petitioner; and

(v) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned.

6. This writ petition stands allowed. No costs.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

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To

1. The District Revenue Officer, Thanjavur.

2. The Inspector of Police, C.S.CID, Thanjavur, Thanjavur District.

+one cc to Mr.K.Kumaravel, Advocate in SR.No.49281

+one cc to The Special Government Pleader, SR.No. 49445

W.P. (MD) No.15394 of 2015

CSL/AN-MP/SAR-II/03.09.2015

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