



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :16.06.2015

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) .Nos.7076 of 2015

Ramachandran

... Petitioner

Vs

1.The District Revenue Officer,
Theni.

2.The Inspector of Police,
CSCID, Uthamapalayam,
Theni District.

... Respondents

This Writ Petition has been filed praying for a Writ of Mandamus, directing the 1st respondent to release the seized Mahindra Jeep bearing Registration No.K1.05 B 9466 seized by the 2nd respondent on 04.03.2014, to the petitioner.

For petitioners : Mr.H.Velavadhas
For respondent-1 : Mrs.S.Barathi, AGP
For respondent-2 : Mr.M.Murugan

ORDER

This Writ Petition has been filed praying for issuance of a Writ of Mandamus, directing the 1st respondent to release the seized Mahindra Jeep bearing Registration No.K1.05 B 9466 seized by the 2nd on 04.03.2014, to the petitioner.

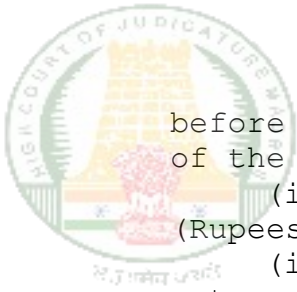
2. The learned Counsel for the petitioner would submit that the value of the vehicle seized by the respondents is only Rs.14000/- (Rupees Fourteen Thousand Only), as it is very old one and hence, he prayed for the vehicle without any conditions.

3. On notice, the learned Govt.Advocates would submit that the rice is meant for poor people and it is being supplied through Public Distribution System. Since the vehicle is involved in smuggling of rice, stringent conditions may be imposed so as to save the public money.

4. The submission of the learned Counsel for the petitioner that the value of the vehicle seized is only Rs.14000/- (Rupees Fourteen Thousand Only), as it is very old one, cannot be accepted. This Court has already considered the issue involved in this Writ Petition in W.P.(MD).No.5675 of 2014 and ordered to release the vehicle therein. Subsequently also, the same issue was considered in W.P.(MD).No.7614 of 2014 dated 29.04.2014 and vehicle therein was released with certain conditions.

5. Considering the facts and circumstances of the case and in view of the fact that the vehicle in question is kept without any use by exposing it to the sun and the rain, it would certainly lose its value, the first respondent is directed to release the vehicle in question to the petitioner on the following conditions:-

"(i) The petitioner shall produce necessary documents



before the first respondent to establish to prove his ownership of the vehicle in question;

(ii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Only) with the first respondent;

(iii) The petitioner shall give an undertaking that he will not use the vehicle or any other vehicle for any illegal activities and also he will not indulge in such activities in future ;

(iv) The vehicle shall be produced to the respondents as and when required.

6. After fulfilling all the four conditions, the first respondent shall release the vehicle in question to the petitioner with a specific condition that he shall not alienate or encumber the vehicle in question till the disposal of the proceedings pending before the authorities concerned. It is also made clear that it is open to the authorities to take appropriate action against the petitioner, in case, he violates any one of the conditions stipulated in this order.

With the above direction, this Writ Petition stands disposed of.
No costs.

Sd/-

The Assistant Registrar(AE)

/True copy/

Sub-Assistant Registrar

To

1.The District Revenue Officer,
Theni.

2.The Inspector of Police,
CSCID, Uthamapalayam,
Theni District.

+1cc to M/s.H.Velavadhas, Advocate SR.No.31136

+1cc to special Government Pleader SR.no.31372

ssm

Sm:30.06.2015:2P/5C

W.P(MD) .Nos.7076 of 2015