

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.17064 of 2016

R.Harihara Prasad

.. Petitioner

Vs.

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.Inspector of Police,
Civil Supplies Central Investigation Department
Police Station,
Krishnagiri.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents herein to release the vehicle, namely EICHER Lorry bearing Reg.No.TN-58 S 5927 Engine No.EA83CD8C185691, Chassis No.17FC8C168078 to the petitioner pursuant to his representation dated 07.04.2016.

For Petitioner : Mr.S.Murugan

For Respondents : Mr.S.Pattabiraman,
Government Advocate.

O R D E R
सत्यमेव जयते

By consent, this writ petition is taken up for final disposal.

2. The petitioner would state that he is doing transport business under the name and style of Sri Lakshmi Travels and Transport having three vehicles and he also used to hire vehicles to the drivers for the purpose of transporting goods. The petitioner would state that on 10.01.2016, his vehicle, namely Eicher Lorry bearing Reg.No.TN-58 S 5927 was intercepted in between Chennai Bye Pass, Krishnagiri and Bangalore Bye pass service road near petrol bunk for the alleged commission of offences under Section 6(4) of TNCS (RDSCS) Order 1982 r/w.

Section 7(i)(a) and (ii) of Essential Commodities Act, 1955 and a case was registered in Crime No.7/2016 by the respondent police alleging that the search of the vehicle revealed that it was found transporting 162 bags of Public Distribution Scheme (PDS) rice each weighing 50 Kgs, totalling 8100 Kgs. and the petitioner was arrested and remanded to judicial custody and later on he came out on bail. It is the case of the petitioner that the driver, without his knowledge, used his vehicle for transporting PDS rice and he has nothing to do with the alleged commission of offences and therefore, came forward to file this writ petition for release of the vehicle.

3. The learned counsel appearing for the petitioner would submit that the petitioner has submitted a representation dated 07.04.2016 for release of the vehicle and since no orders has been passed, came forward with this writ petition.

4. Per contra, Mr.S.Pattabiraman, learned Government Advocate would submit that with regard to the confiscation of the vehicle, the District Revenue Officer, Krishnagiri has considered the issue and reserved orders and it is likely to be pronounced.

5. This Court has considered the rival submissions and also perused the materials placed before it.

6. This Court, in the light of the above facts and circumstances, directs the District Revenue Officer, Krishnagiri to pass orders with regard to confiscation proceedings as expeditiously as possible not later than four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner and depends upon the result of the same, the petitioner is at liberty to workout his remedy before the competent forum in accordance with law.

7. This Writ Petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.Inspector of Police,
Civil Supplies
Central Investigation Department Police Station,
Krishnagiri

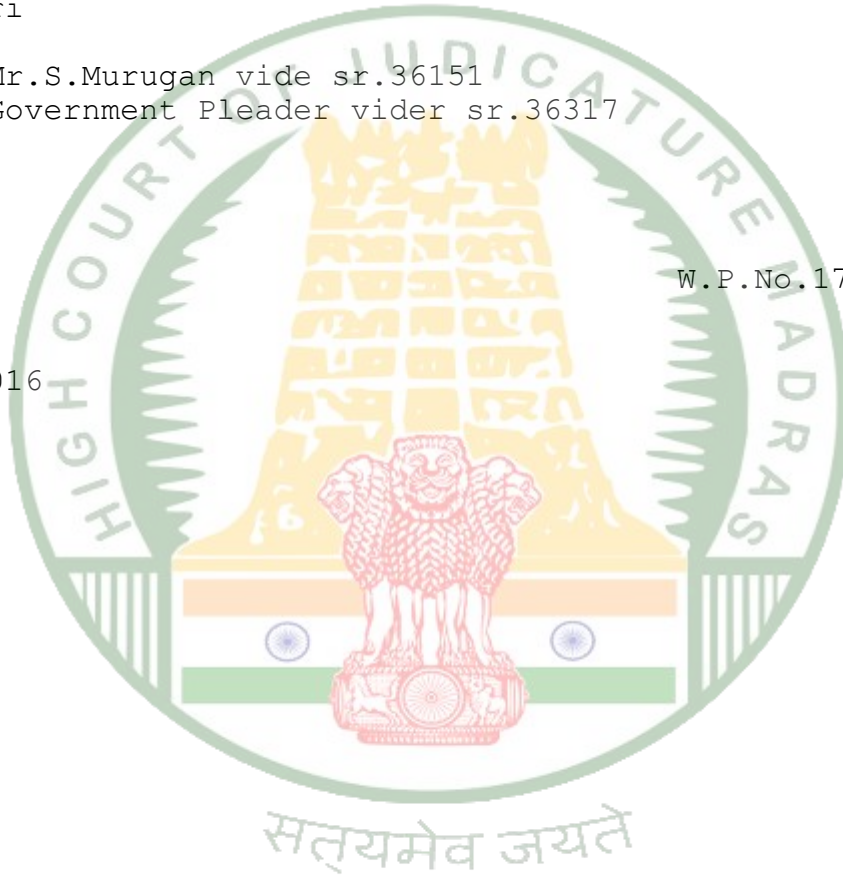
3.The District Revenue Officer
Krishnagiri

+1 cc to Mr.S.Murugan vide sr.36151

+1 cc to Government Pleader vider sr.36317

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