

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2016

CORAM:

THE HON'BLE MR. JUSTICE R. MAHADEVAN

W.P.No.35799 of 2015

Saraswathi

[Petitioner]

Vs

1 The Revenue Divisional Officer
-cum-Addl. Judge Thiruvallur Thiruvallur
District.

2 The Inspector of Police
Civil Supply C.I.D. Thiruvallur
Thiruvallur District.

[Respondents]

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the 2nd Respondent to release the TATA Maxi Cab bearing Registration No.TN-22-CP-5598 to the Petitioner in terms of the Proceedings of the 1st Respondent in Na.Ka. 18238/2014/S3 dated 10.03.2015 within a time frame as fixed by this Honourable Court.

For petitioner : Mr.N.Nithianandam
For respondents : Mr.A.RajaPerumal GA

ORDER

This writ petition is filed under Article 226 of the Constitution of India, for the issuance of a writ of mandamus directing the 2nd Respondent to release the TATA Maxi Cab bearing Registration No.TN-22-CP-5598 to the Petitioner in terms of the Proceedings of the 1st Respondent in Na.Ka. 18238/2014/S3 dated 10.03.2015 within a time frame as fixed by this Court.

2. According to the learned counsel for the petitioner, the vehicle in question was seized by the 2nd respondent on 17.09.2014 alleging that rice meant for public distribution system was transported illegally and an FIR No.181 of 2014 dated 17.09.2014 was also registered. The vehicle was driven by the driver for hire to a third party, which was not known to the petitioner. However, the 2nd respondent, arrayed the petitioner as 2nd accused, being the owner of the vehicle. Pursuant to the seizure, according to the learned counsel for the petitioner, a

representation was made to the 1st respondent for release of the vehicle, pending criminal investigation on the ground that the petitioner had no knowledge of the said crime by the driver of the vehicle. After considering the same, a fine of Rs.25,000/- was imposed, which was also paid by the petitioner. Pursuant thereto, on the requisition from the District Revenue Officer, the 2nd respondent, by proceedings dated 04.03.2015 informed that they have no objection to release the vehicle and thereupon, the District Revenue Officer, considering the same, by order dated 10.03.2015 ordered for release of the vehicle. However, till date, the vehicle has not yet been released. Hence, the petitioner is before this Court.

3. Heard the learned counsel on either side and perused the materials available on record.

4. On 10.03.2015, the District Revenue Officer passed an order considering the no objections dated 04.03.2015 of the 2nd respondent and the payment of fine amount of Rs.25,000/- by the petitioner, directing the 2nd respondent to release the vehicle. But, till today, the vehicle in question has not yet been released. Hence, the 2nd respondent is directed to release the vehicle forthwith on receipt of a copy of this order. However, it is open to the authorities to proceed against the petitioner for any of the other offences in the manner known to law.

With these observations, the writ petition is disposed of. No costs.

sd/-

Assistant Registrar (Cs-III)

/TRUE COPY/

Sub-Assistant Registrar

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To

1 The Revenue Divisional Officer
-cum-Addl. Judge Thiruvallur Thiruvallur
District.

2 The Inspector of Police
Civil Supply C.I.D. Thiruvallur
Thiruvallur District.

+1 CC to MR.N.Nithianandam Advocate. SR.NO.132

+1 CC to Govt.Pleader. SR.NO.980

W.P.No.35799 of 2015

CO-AD

JD 19/01/2016