

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2016

CORAM

THE HON'BLE MR. JUSTICE **M.S. RAMESH**

W.P.No.3647 of 2013

P.C. Sundaram

...Petitioner

Vs.

1. The District Revenue Officer,
Vellore District.

2. The Inspector of Police,
Thirupathur Taluk Police Station,
Sivaganga District.

...Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct first respondent herein to grant the petitioner leave enabling to sell his vehicle namely Lorry bearing registration No.K.A.01AD6966 on the basis of his representation dated 09.11.2012.

For Petitioner : Mr.K.Mohanraj

For Respondents : Mr.V.S.Ramesh
Government Advocate.

ORDER

The petitioner has filed this present writ petition seeking a direction to the first respondent to grant him permission to sell his vehicle bearing registration No.K.A.01AD6966.

2. Heard Mr.K.Mohanraj, learned counsel for the petitioner and Mr.V.S.Ramesh, learned Government Advocate for the respondents.

3. According to the learned counsel for the petitioner, the lorry bearing registration No.K.A.01AD6966 is alleged to have been involved in the offences under the Essential Commodities Act and the same was seized for transporting PDS rice meant for public distribution. Challenging the same, earlier, the petitioner filed a writ petition in W.P.No. 7576 of 2006 before this Court and by order dated 17.03.2011, the following conditions were imposed:

“(i) The Petitioner shall establish the ownership of the vehicle by producing necessary certificate before the first respondent.

(ii) The petitioner shall not alienate the vehicle in any manner till adjudication is over.

(iii) The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) by way of cash with the first respondent and

(iv) The petitioner shall given an undertaking that he will not use the vehicle for any illegal activities in future and also to produce the vehicle as and when required by the first respondent.”

4. The petitioner in compliance of said order had deposited a sum of Rs. 10,000/- and the lorry was released to him. In the mean while, the enquiry under Section 6A of the Essential Commodities Act was concluded and by order dated 20.12.2007, the security amount deposited by the petitioner has been modified as fine amount in lieu of the seized vehicle.

5. In view of the conclusion of the enquiry under Section 6A of the Essential Commodities Act, there is no impediment in permitting the petitioner to have an absolute ownership over his lorry.

6. Under such circumstances, the petitioner is granted leave to sell his lorry bearing registration No.K.A.01AD6966.

7. With the above observations, the writ petition is allowed.
No costs.

15.11.2016

Index :Yes/No
rts

M.S. RAMESH, J.

rts

To

1. The District Revenue Officer,
Vellore District.
2. The Inspector of Police,
Thirupathur Taluk Police Station,
Sivaganga District.

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