

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.A. No.399 of 2016
and
C.M.P.No.5834 of 2016

- 1.The District Revenue Officer,
Coimbatore,
Coimbatore District.
- 2.State
rep by Inspector of Police,
CS CID Police Station,
Pollachi,
Coimbatore District,
Crime No.318/2014. ... Appellants/Respondents

Vs.

Kanakaraj ... Respondent/Petitioner

Writ Appeal preferred under Clause 15 of the Letters Patent challenging the order dated 09.12.2014 passed in W.P.No.29505 of 2014, filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus directing the 2nd respondent to release the Lorry bearing Registration No.TN 41 C 0787 which was seized from the petitioner by the 2nd respondent to the petitioner.

For Appellants : Mrs.A.Srijayanthi, Spl.G.P

For Respondent : Mr.D.R.Arunkumar
for M/s.M.N.Balakrishnan

JUDGMENT

(delivered by SATISH K. AGNIHOTRI, J.)

The instant appeal is directed against the order dated 9th December, 2014 passed in W.P.No.29505 of 2014.

2 Noticing the involvement of the lorry bearing Registration No.TN 41 C 0787 in transporting rice bags without authorisation, a case was registered in Crime No.318 of 2014. Pending disposal of the case, the lorry owner approached this Court for the release of the lorry. The learned Single Judge, examining all facts of the case, held as under :

4. x x x x x x x x Therefore, the respondents are directed to release the lorry of the petitioner subject to the following conditions :

(i)The petitioner shall produce the documents before the 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 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 respondent.

(iv)On doing so, the lorry in question shall be returned to the petitioner.

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

Thereagainst, the State is before us.

3 The prime contention of the learned counsel for the State is that the lorry should not have been released as the lorry was involved in the crime which is still at the stage of prosecution. The lorry had been released on payment of paltry sum of Rs.15,000/-. Thus, the order be quashed.

4 The learned counsel appearing for the respondent herein / writ petitioner would submit that the writ court has safeguarded the interest of the State. The rice bags found to be transported illegally have also been detained and as such, the order of the learned Single Judge was proper and in the interest of justice.

5 We have examined the dispute from all angles and considered the submissions of the learned counsel for the parties.

6 Indisputably, the lorry was caught transporting several bags of rice unauthorisedly, which was seized and is still in the custody of the authorities. The lorry was, no doubt, involved in transportation of rice bags illegally. However, keeping the lorry idle would have caused unnecessary loss to the owner. Thus, the learned Single Judge has rightly released the lorry, subject to certain conditions. We do not find any infirmity and we uphold the said order with conditions stated therein. However, the amount sought to be paid by the writ petitioner / respondent herein is too meagre, keeping in view the value of the lorry. Thus, we enhance the amount to be deposited from Rs.15,000/- to Rs.1,00,000/-. Accordingly, the lorry shall be released on depositing a sum of Rs.1,00,000/- (Rupees one lakh only), including Rs.15,000/- ordered by the learned Single Judge earlier. The other conditions laid down by the learned Single Judge will hold good.

7 With the aforesaid observations, the writ appeal stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The District Revenue Officer,
Coimbatore,
Coimbatore District.

2.The Inspector of Police,
CS CID Police Station,
Pollachi,
Coimbatore District,
(Crime No.318/2014)

+1cc to Mr.M.N.Balakrishnan, Advocate Sr.20808

W.A. No.399 of 2016

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