

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2016

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Mr. JUSTICE V.BHARATHIDASAN

W.A.No.497 of 2016
and
C.M.P.No.6810 of 2016

District Revenue Officer,
Namakkal District, Namakkal. Appellant/Respondent

Vs.

I.Kannan ... Respondent/Petitioner

Appeal filed under Clause 15 of Letters Patent against the order dated 29.10.2015 made in W.P.No.32580 of 2015.

W.P.No.32580 of 2015 : Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus, calling for the records of respondents with relates to the impugned order dt 20.4.2015 passed by the respondent bearing Ref.No.Na.Ka. 24627-2014 (F3) thereby imposing a fine of Rs.7.00 Lakhs to release petitioner vehicle Ashok Leyland Lorry bearing Reg. No.TN 28 AM 7242 confiscated in pursuant to the involvement in Crime No.66 of 2014 on the file of the CSCID Police Station, Namakkal and quash the same and consequently direct the respondent to release the Ashok Leyland Lorry bearing Ref. No. TN 28 AM 7242 to the petitioner on the receipt of a fine of the market price of the essential commodities.

For Appellant : Ms.A.Srijayanthi,
Special Government Pleader

For Respondent : Mr.D.Bharatha Chakravarthy
for M/s.Sai, Bharath and Ilan

JUDGMENT

(delivered by SATISH K. AGNIHOTRI, J.)

Mr.D.Bharatha Chakravarthy, learned counsel accepts notice on behalf of the respondent. Thus, with the consent of the learned counsel appearing for the parties, the writ appeal is taken up for final disposal at the admission stage itself.

2.The instant appeal is directed against the order dated 29 October, 2015 passed in W.P.No.32580 of 2015.

3.Noticing the involvement of the lorry bearing Registration No.TN 28 AM 7242 in transporting rice bags without authorisation, a case was registered in Crime No.66 of 2014. Pending disposal of the case, the lorry owner approached this Court for release of the lorry. The learned Single Judge, examining all facts of the case, held as under :

"6.In view of the same, the impugned order dated 20.04.2015 is modified by directing the petitioner to pay a sum of Rs.40,000/- as penalty. The said amount will have to be paid within a period of two weeks from the date of receipt of a copy of this order. On such payment, the vehicle seized shall be released."

Thereagainst, the State is before us.

4.The prime contention of the learned counsel for the State is that the lorry should not have been released as it 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.40,000/-. Thus, the order be quashed.

5.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, in the interest of justice.

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

7.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.40,000/- 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.40,000/- ordered by the learned Single Judge earlier. The other conditions laid down by the learned Single Judge will hold good.

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

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

mmi

To

The District Revenue Officer,
Namakkal District,
Namakkal.

+lcc to M/s.Sai, Bharath and Ilan, Advocate, S.R.No.24353
+lcc to the Government Pleader, S.R.No.24824

सत्यमेव जयते

W.A. No.497 of 2016

AK (CO)
CA (26/04/2016)

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