

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.8383 of 2016

Riyas

... Petitioner

vs.

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

2. The Inspector of Police
Civil Supply CID, Pollachi,
Coimbatore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 1st respondent to consider the petitioner representation dated 18.02.2016 to release the vehicle TATA SUMO bearing Registration No.KL-23 D-9654 seized on 08.10.2015, by the 2nd respondent herein.

For Petitioner : Mr.C.Veeraraghavan

For Respondents : Mr.A.Kumar, Spl.G.P.

ORDER

This writ petition has been filed seeking a writ of mandamus directing the first respondent to consider the petitioner's representation dated 18.02.2016 and to release the vehicle TATA SUMO, bearing Registration No.KL-23 D-9654, seized by the 2nd respondent herein on 08.10.2015.

2.Learned counsel for the petitioner would contend that the petitioner is the owner of the vehicle in question and he has just lend the vehicle to one of his friend for the function and has not committed any offence as alleged by the prosecution.

3. Per contra, learned Special Government Pleader appearing for the respondents would submit that the vehicle has been seized along with 22 bags of PDS rice. It is further submitted that the petitioner has not even attended the enquiry initiated under Section 6(4) of the TNSC(RDCS) Order.

4. Heard both sides and perused the materials available on record.

5. Taking into consideration the fact that the first respondent had not conducted the enquiry as provided under Section 6(A) of the Essential Commodities Act, this Court is inclined to release the vehicle, however, subject to certain conditions.

6. The first respondent is hereby directed to release the vehicle TATA SUMO bearing Registration No.KL-23 D-9654, seized on 08.10.2015, by the second respondent herein and hand over the same to the petitioner on fulfilling the following conditions:-

- (i) The petitioner shall establish the ownership of the vehicle by producing necessary documents before the first respondent.
- (ii) The petitioner shall not encumber or alienate the vehicle in any manner till adjudication is over.
- (iii) The petitioner shall deposit a sum of Rs.2,00,000/- . (Rupees Two Lakhs only), in cash before the first respondent.
- (iv) The petitioner shall also file an affidavit before the first respondent 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;

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(v) If the petitioner complies with all the above said conditions, the vehicle shall be released within three days therefrom.

(vi) The first respondent is free to proceed further and pass orders after affording an opportunity to the petitioner.

(vii) The petitioner shall abide by the final orders of the first respondent.

8. The Writ Petition is ordered in the above terms . No costs.

Index : Yes/No

07.09.2016

Note: Issue copy of the order on 08.09.2016
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To

1. The District Revenue Officer
District Revenue Office, Coimbatore
Coimbatore District.
2. The Inspector of Police
Civil Supply CID, Pollachi, *Coimbatore District.*

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