



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2016

CORAM:

THE HONOURABLE Mr. JUSTICE M. VENUGOPAL

W.P. (MD) No. 15244 of 2016

M. Glittaus

... Petitioner

Vs.

1. The District Revenue Officer,
Tirunelveli District.

2. The Inspector of Police,
Civil Supplies C.I.D.,
Tirunelveli.

... Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to release the Swaraj Mazda Tempo bearing registration No. TN-75-H-6098 seized by the second respondent on 12.07.2015 to the petitioner.

For Petitioner : Mr. T. Lenin Kumar

For Respondents : Mr. K. Guru,

A.G.P

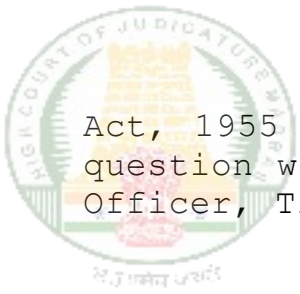
ORDER

Heard both sides.

2. By consent, the main Writ petition itself is taken up for final disposal.

3. No counter is filed on behalf of the Respondents.

4. According to the petitioner, he is the owner of the Swaraj Mazda Tempo bearing Regn. No. TN-75-H-6098 and he is plying his vehicle for transporting agricultural products. It is the case of the petitioner that on 12.07.2015, the Second Respondent/Inspector of Police seized his vehicle on the allegation that the vehicle was used to transport 70 bags of rice (each containing 50 kgs) and after seizure of the vehicle, a case was registered in Cr. No. 144 of 2015 in respect of the alleged offence under Section 6(4) of TNSC (RDCS) Order, 1982, r/w 7(1)(a)(ii) of Essential Commodities



Act, 1955 and arrested him. As a matter of fact, the vehicle in question was produced before the First Respondent/District Revenue Officer, Tirunelveli District.

5. The plea of the petitioner is that after seizure of his vehicle, on 24.05.2016, he made a detailed representation before the First Respondent/District Revenue Officer, Tirunelveli District, praying for release of his vehicle. Till date, his vehicle is not yet released. Hence, he has filed the present writ petition.

6. The core contention advanced on behalf of the petitioner is that if the seized vehicle is exposed to hot sun and rain and if it is allowed to remain in open yard, then, not only the vehicle will lose its value by efflux of time but also get rusted.

7. Considering the fact that the petitioner's vehicle was seized on 12.07.2015 and also this Court, taking note of the fact that the petitioner's representation dated 24.05.2016 is pending on the file of the First Respondent/District Revenue Officer, Tirunelveli District, at this stage, is inclined to release the petitioner's vehicle Swaraj Mazda Tempo bearing Regn.No.TN-75-H-6098, subject to the following conditions:

(a) The petitioner is directed to deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) in cash before the 1st respondent;

(b) The petitioner is directed to produce all the documents pertaining to the ownership of the seized vehicle;

(c) The petitioner is to file an affidavit of undertaking that he will cause production of the vehicle in question before the competent / concerned Respondents (as the case may be) as and when called for and further, he will not alienate the vehicle in question till the appropriate proceedings initiated are completed;

(d) On compliance of the above conditions, the 1st respondent is directed to release the seized vehicle bearing Registration No. TN-75-H-6098 to the petitioner (if he is in custody and possession), within three days from the date of receipt of a copy of this order;

(e) The 1st respondent is directed to pass final orders in the adjudication proceedings within a period of 45 days;

(f) This order for the release of the vehicle can be pressed into service by the petitioner only if the vehicle is not in the custody of the criminal court. If the vehicle is in the custody of concerned criminal court of appropriate jurisdiction, then,



option is given to the Petitioner to approach the concerned Judicial Magistrate to get release of the vehicle, by filing necessary Application in the manner known to law and in accordance with law; and

g) In view of the fact that the vehicle bearing registration No. TN-75-H-6098 was seized by the 2nd respondent on 12.07.2015, the above order is to be complied with within one week, if no order of adjudication is passed or confiscation is passed as on today.

8. With the aforesaid direction(s), the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The District Revenue Officer,
Tirunelveli District.

2. The Inspector of Police,
Civil Supplies C.I.D.,
Tirunelveli.

+1 cc to M/s. T. Lenin Kumar, Advocate in SR.No.45550

+1 cc to The Special Government Pleader in SR.No.45402

VS

CSL/PV/29.08.2016 :3P/5C

W.P. (MD) No.15244 of 2016

18.08.2016