



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.21925 of 2016

R.Antony Ragunath

... Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Koramballam, Tuticorin.
- 2.The Deputy Superintendent of Police,
CSCID-Madurai,
Tuticorin District-3.
- 3.The Inspector of Police,
CSCID-Madurai,
Tuticorin District-3.
In Cr.No.104/2016.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to release the petitioner's TATA ACE Vehicle bearing registration no.TN 69-BA-4550 that was seized in Crime No.104 of 2016 on the file of CSCID Police Station, Tuticorin, dated 17.08.2016 on the basis of the petitioner's representation dated 30.09.2016.

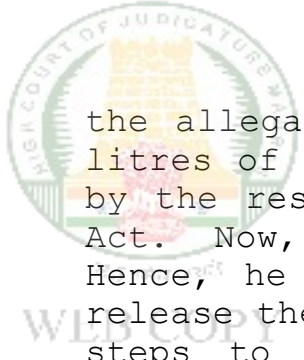
For Petitioner
For Respondents

: Mr.B.N.Rajamohamed
: Mr.K.Mahesh Raja,
Government Advocate

ORDER

This Writ Petition is filed seeking a direction to release the the petitioner's vehicle namely TATA ACE Vehicle bearing registration No.TN 69-BA-4550 that was seized in Crime No.104 of 2016 on the file of CSCID Police Station, Tuticorin, dated 17.08.2016, on the basis of the petitioner's representation dated 30.09.2016.

2.According to the petitioner, he is the owner of the vehicle viz., TATA ACE Vehicle bearing registration No.TN 69-BA-4550 and it was seized by the second respondent on 17.08.2016 on



the allegation that the same was used for transportation of 1000 litres of subsidized diesel. Sofar, no action has been initiated by the respondent under Section 6-A of the Essential Commodities Act. Now, the vehicle is in the custody of the second respondent. Hence, he made a representation before the first respondent to release the vehicle. Since the first respondent has not taken any steps to release the vehicle, he has filed the present writ petition.

3.The learned Government Advocate on instructions submitted that after seizure of the vehicle, it is in custody of the District Revenue Officer, Tuticorin.

4.In similar circumstances, this Court has passed an order in W.P(MD)No.12365 of 2016, dated 14.07.2016, releasing the lorry with some conditions.

5.In view of the above, this Writ Petition is also disposed of with the following conditions:-

(a) The petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) in cash before the District Revenue Officer, Tuticorin;

(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 respondent (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 District Revenue Officer, Tuticorin is directed to release the seized vehicle bearing Registration No. TN 69-BA-4550 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 authorities are 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 release of the vehicle, by filing necessary application in the manner known to law and in accordance with law; and



(g) Inasmuch as the Vehicle bearing Registration No. TN 69-BA-4550 is seized by the second Respondent on 17.08.2016, the aforesaid order is to be complied with within a period of one week, if no order of adjudication is passed as on today.

WEB COPY

No costs.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Revenue Officer,
Tuticorin.
- 2.The District Collector,
Collectorate,
Koramballam, Tuticorin.
- 3.The Deputy Superintendent of Police,
CSCID-Madurai,
Tuticorin District-3.
- 4.The Inspector of Police,
CSCID-Madurai,
Tuticorin District-3.

+1 cc to MR.B.N.RAJAMOHAMED, Advocate SR.No.70398

W.P(MD)No.21925 of 2016
16.11.2016

SMA/SS-3/SAR-1/17.10.2016:3P/6C