

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2017

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.501 of 2017

1 G.Maheswari [PETITIONER]
Vs

1 The District Revenue Officer cum Additional
District Magistrate,
Office of the District Collector,
Collectorate Building,
Erode District 638 011.

2. The State rep. by Inspector of Police,
Civil Supplies C.I.D. Wing,
Erode Unit,
Erode District.

[RESPONDENTS]

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the relevant records relating to the impugned order on the file of the first respondent in Na.Ka.15975/2016/Ka3 dated 01.12.2016 and quash the same in so far as it relates to the conditional deposit of Rs.62,000/- (Rupees Sixty two Thousand only) by the owner of the vehicle for releasing the same and to consequently direct the first respondent to release and return the vehicle 'Maruti 800 Omni' bearing Registration No.TN37Z 6688 forthwith to the petitioner.

For Petitioner : Mr.C.E.Pratap

For Respondents : Mr.S.V.Doraisolaimalai
Additional Government Pleader

ORDER

This writ petition is filed by the petitioner to quash the impugned order passed by the first respondent in so far as it relates to the conditional deposit of Rs.62,000/- (Rupees Sixty two Thousand only) by the owner of the vehicle for releasing the same and to consequently direct the first respondent to release and return the vehicle 'Maruti 800 Omni' bearing Registration No.TN37Z 6688 forthwith to the petitioner.

2. According to the petitioner, she is the registered owner of the vehicle bearing Registration No.TN 37 Z 6688 and the same was seized by the second respondent police, pursuant to registration of FIR in Crime No.61/2015 for the alleged offences under Section 6(4) of TNSC (RCDS) Order, 1982 r/w Section 7(1) (a)(ii) of Essential Commodities Act, 1955 alleging that Murugesan has sold rice, dhal and sugar meant for public distribution system to S.K.Ganesan, husband of the petitioner. The petitioner's vehicle was produced before the first respondent, who in turn passed an impugned order dated 01.12.2016, on condition to deposit a sum of Rs.62,000/- to the Government Account and further only if the petitioner agreed to deposit the above amount, the release of vehicle of the petitioner will be considered. Aggrieved against the impugned order, the present writ petition is filed.

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

4. After some elaborate arguments, learned counsel for the petitioner submitted that the vehicle, which is only a Maruti omni van, has been kept in the open for the past two years. Even as per the Government, the value of the vehicle fixed is only Rs.62,000/-. It is only an interim order and the petitioner is prepared to deposit Rs.30,000/- to show his bonafide, if the vehicle is released. He is also prepared to participate in the enquiry enabling to pass final order by the respondent. The petitioner pleads this court to take a lenient view, pleading that he will not engage in such activities or use vehicle for such thing.

5. In view of the above, there will be a direction to the first respondent to release the vehicle to the petitioner on condition that the petitioner shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand) to the Government within a period of one week and on further condition that the petitioner shall appear before the authority concerned for enquiry and thereafter, the adjudication process shall be completed within a period of three months.

With the above direction, the writ petition is disposed of.
No costs.

sd/
Assistant Registrar(CCC)

/true copy/

Sub Assistant Registrar

vri

To

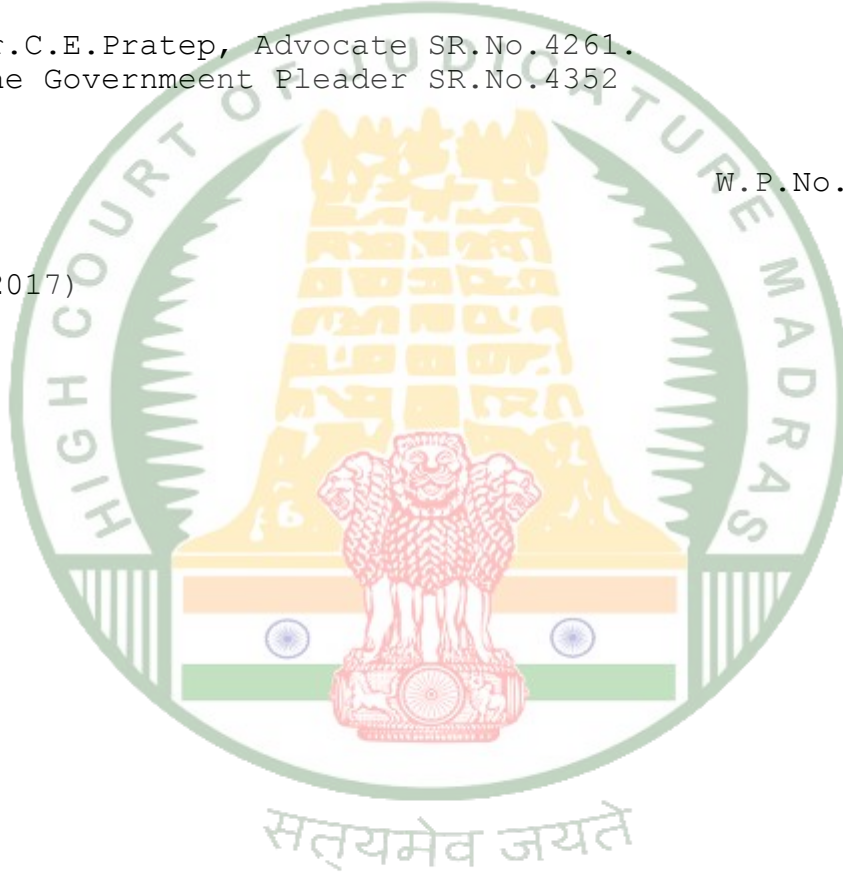
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2. The Inspector of Police,
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+1cc to Mr.C.E.Pratep, Advocate SR.No.4261.

+1cc to the Government Pleader SR.No.4352

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KJ(CO)
GN(09/02/2017)



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