

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.4332 of 2017

Meer Rahimuddin Ahmed

... Petitioner

vs.

1. State of Tamil Nadu,
rep. by Collector,
Tiruvallur District.
 2. The Revenue Divisional Officer,
Tiruvallur District.
 3. State of Tamil Nadu,
rep. by the Inspector of Police
CSCID, P.S. (Civil Supplies CID),
474, Anna Salai,
E.V.R. Periyar Building,
Nandanam, Chennai 600 035.
- .. Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to release the Truck model Eicher bearing Registration No.KA-04-D-9865 lying in Patravakkam P.S. Tiruvallur District in Crime No.170 of 2016 to the petitioner.

For Petitioner : Dr.S.N.Amarnath

For Respondents : Mr.R.Rajeswaran,
Special Government Pleader

O R D E R

The petitioner seeks a direction to the respondents to release the Truck model Eicher bearing Registration No.KA-04-D-9865 lying in the custody of Patravakkam Police Station, Tiruvallur District, forthwith.

2. According to the petitioner, he is doing transport business and having a Truck Eicher Model 11: 10 BSM bearing Registration No.KA-04-D-9865 with National permit. On 11.08.2016, the petitioner booked materials of 80 bags of 50 kilos of rice through a Broker and a Transport Bill was also

raised. When the materials were loaded in the Truck by the Broker around 10.00 p.m. on 11.08.2016, some people came to the shed and took away all the Bill Books and informed that 80 bags of rice is PDS rice. They took the Truck driver and the Manager of the shed to drive the Truck and as per the instruction of the 3rd respondent, the Truck was running. When the Truck reached near Maduravoyal Bye-pass, the 3rd respondent asked the Driver to go to Pattravakkam Police Station. Thereafter, the petitioner was granted anticipatory bail on 22.09.2016 in CrI.O.P.No.19495 of 2016 on certain terms and conditions and accordingly, the petitioner complied with all the conditions. Now, the petitioner has approached this Court seeking release of his Truck along with rice bags from the custody of the 3rd respondent.

3. Learned counsel for the petitioner contended that when once the essential commodity is seized under an order, the commodity and the vehicle which transported shall be confiscated by the District Collector. But, in the case on hand, the Truck is still lying in Pattravakkam Police Station along with the materials of third parties, which has caused much hardship to the petitioner's customers. It is his submission that the vehicle in question is confiscated for the first time.

4. Heard the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents.

5. The respondents seized the vehicle belonging to the petitioner on 11.08.2016 and the past six months, it is stationary. It has been repeatedly held by this Court as well as the Honourable Supreme Court that vehicles need not be detained unnecessarily for a longer period, as its utility value will be diminished. Suffice it is to state that the involvement of the vehicle in question in transporting PDS rice has to be decided by the appropriate Forum based on the investigation carried on by the respondents. For the purpose of disposal of this petition, it is observed that no useful purpose will be served, if the vehicle is detained in the police station.

6. Having regard to the above, without expressing any opinion on the merits of the case, the respondents are directed to release the Truck Eicher Model 11: 10 BSM bearing Registration No.KA-04-D-9865 to the custody of the petitioner subject to the conditions mentioned below:

(i) The petitioner shall establish the ownership of the vehicle by producing documentary evidence such as Registration Certificate etc.

(ii) The petitioner shall deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only) before the respondents forthwith.

(iii) The petitioner shall file an affidavit of undertaking to the respondents stating that he will not alienate or encumber the Truck to any third parties till the completion of adjudication proceedings by the competent authority.

(iv) The petitioner is also directed not to indulge in any other criminal offence either directly or indirectly or commit breach of the Motor Vehicles Act and Rules.

With the above direction, the Writ Petition is disposed of.
No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To :

1. The Collector,
State of Tamil Nadu,
Tiruvallur District.
2. The Revenue Divisional Officer,
Tiruvallur District.
3. The Inspector of Police,
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