

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.33053 of 2017

Lavanya
D/o.Rajendiran

.. Petitioner

Vs.

1. The District Collector
Vellore District
Sathuvachari, Vellore.
2. The District Revenue Officer
Vellore Revenue District
Collector Office
Satuvacheri, Vellore.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd respondent to release the petitioner's passenger auto bearing No.TN23 BK 7189 which is in the custody of the 2nd respondent.

For Petitioner : Mr.B.Lenin Balu

For Respondents : Mr.P.V.Selvakumar

Additional Government Pleader

O R D E R

Mr.P.V.Selvakumar, learned Additional Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition itself is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a Mandamus directing the second respondent to release the passenger Auto bearing Lorry bearing No.TN23 BK 7189, seized by the police on 07.04.2017.

3. It is stated that the above vehicle was seized by the police on 07.04.2017 and handed over to the 2nd respondent, on the allegation that the said vehicle was indulged in transporting 300kg PDS rice illegally. Therefore, this Court, at this stage, is not expressing any view on the contentions made by the petitioner against the allegations made, as it is for the Adjudicating Authority to consider and decide. However, considering the fact that the vehicle was seized as early as on

07.04.2017 and the same is kept idle thereby exposing it to sun and rain, which undoubtedly would diminish its value, this Court is of the view that the following order will protect the interest of both parties:

a) The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) before the respondents within a period of two weeks from the date of receipt of a copy of this order.

b) The petitioner shall appear in person and produce all the relevant documents proving the ownership of the vehicle for verification of the authority in proof of such ownership.

(c) On receipt of payment as stated supra and also on being satisfied with the ownership of the vehicle, the respondents shall release the same forthwith.

(d) The petitioner shall not use the said vehicle for any unlawful purpose and also shall not alienate the same during the pendency of the proceedings.

(e) It is open to the respondents to initiate proceedings in accordance with law and pass appropriate orders on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. The petitioner should also co-operate with the said proceedings initiated by the respondents without dragging the matter.

(f) If no such order is passed within the time stipulated therein, the amount so paid by the petitioner shall be refunded to the petitioner.

(g) This order for release of the vehicle can be availed of by the petitioner, if the vehicle is not in the custody of criminal Court. If the vehicle is in the custody of the criminal Court, it is open to the petitioner to approach the jurisdictional Magistrate to get release of the vehicle by filing appropriate application and the same can be considered in accordance with law.

The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mk

To

1. The District Collector
Vellore District
Sathuvachari, Vellore.
2. The District Revenue Officer
Vellore Revenue District
Collector Office
Satuvacheri, Vellore.

+1 cc to the Govt Pleader High Court, Madras sr 91156
+1 cc to Mr.B.Lenin Balu Advocate sr 90430

W.P.No.33053 of 2017

br(co)
aa12/01/2018

सत्यमेव जयते

WEB COPY