



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **06.09.2017**

CORAM:

THE HONOURABLE **MR. JUSTICE K. KALYANASUNDARAM**
W.P. (MD) No. 15865 of 2017

WEB COPY

M. Rajeev

...Petitioner

-Vs-

1. Department of Co-operative Food and Consumer
Protection of Tamilnadu,
Represented by Principal Secretary to Government,
St. George Fort,
Chennai.

2. The District Revenue Officer,
Kanyakumari District at,
Nagercoil.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the second respondent to issue original R.C. Book of the petitioner's vehicle bearing Reg. No: KL 21 B 4961 for truth and may direct the first respondent to dispose of the appeal within a specified period or otherwise relieve the petitioner vehicle from the proceedings.

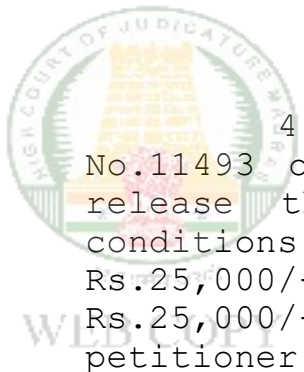
For Petitioner	: Mr. K. P. Narayana Kumar
For Respondents	: Mr. A. Muthu Karuppan Additional Government Pleader

ORDER

The petitioner has come up with this writ petition for a direction to the second respondent to issue the original R.C. Book of the vehicle bearing Reg. No: KL 21 B 4961.

2. Heard Mr. K. P. Narayana Kumar, learned counsel for the petitioner and Mr. A. Muthu Karuppan, learned Additional Government Pleader for the respondents.

3. The case of the petitioner is that he is the owner of the Tempo Van bearing Reg. No: KL 21 B 4961. The vehicle was intercepted by Special Tahsildar on 11.06.2016. It was seized on the ground that rice belonging to public distribution system was transported in the said vehicle.



4. The petitioner would further state that in W.P.(MD) No.11493 of 2016, this Court directed the second respondent to release the vehicle on certain conditions and one of the conditions was a direction to the petitioner to deposit Rs.25,000/-. As per the order, the petitioner deposited Rs.25,000/- and custody of vehicle was also handed over to the petitioner on 22.07.2016.

5. The petitioner would further state that the second respondent passed an order on 05.10.2016, imposing fine of Rs.80,000/-. Since the petitioner already deposited Rs.25,000/-, by the same order, he was directed to deposit the remaining amount of Rs.55,000/-.

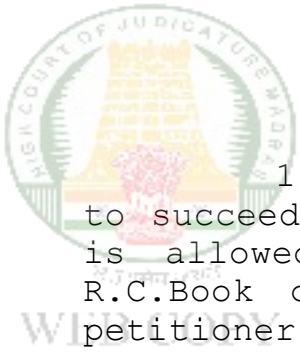
6. Aggrieved by the order of the first respondent, the petitioner has preferred an appeal before the first respondent. During the pendency of the appeal, he filed a writ petition seeking direction for return of the R.C.Book and for disposal of the appeal in a timeframe.

7. This Court, on 21.12.2016, directed the petitioner to deposit Rs.55,000/-. As per the order, he deposited the amount on 10.01.2017. Further direction was given to return the R.C.Book for the purpose of renewal of fitness certificate. After obtaining fitness certificate, the petitioner returned R.C.Book on 31.01.2017 to the second respondent.

8. Mr.K.P.Narayana Kumar, learned counsel for the petitioner would submit that since the petitioner had already deposited the entire fine amount and he needs R.C.Book for the payment of tax to the authorities, the second respondent may be directed to issue R.C.Book to the petitioner.

9. Mr.A.Muthu Karuppan, learned Additional Government Pleader for the respondents, would submit that admittedly the appeal of the petitioner before the first respondent is still pending and during the pendency of the appeal, he is not entitled for return of R.C.Book.

10. It is not in dispute that the second respondent has imposed fine of Rs.80,000/- on 05.10.2016 in the confiscation proceedings. Even though the petitioner has challenged the order before the first respondent, he has paid the entire amount of Rs.80,000/-, in compliance of the order in W.P.(MD)No.24512 of 2016. So, pendency of the appeal cannot be a ground to reject the claim of the petitioner.



11. In that view, I opine that the petitioner is entitled to succeed in this writ petition. Accordingly, this writ petition is allowed. The second respondent is directed to return the R.C.Book of the vehicle bearing Reg.No: KL 21 B 4961 to the petitioner forthwith. No costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. Department of Co-operative Food and Consumer Protection of Tamilnadu,
Represented by Principal Secretary to Government,
St. George Fort,
Chennai.
 2. The District Revenue Officer,
Kanyakumari District at,
Nagercoil.
- + 1 CC TO MR.K.P.Narayana Kumar, ADVOCATE IN SR No.77562
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.77321

SM

MK/SV MMS/SAR-1/28.09.2017/3P/5C

W.P. (MD) No.15865 of 2017
06.09.2017