



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2017

CORAM:

WEB COPY

THE HON'BLE Mr.JUSTICE K.KALYANASUNDARAM

W.P(MD).No.17308 of 2017

Velmurugan

... Petitioner

Vs.

1.The District Collector,
O/o. District Collector,
Tiruchirappalli, Tiruchirappalli District.

2.The District Revenue Officer,
O/o. District collector,
Tiruchirappalli, Tiruchirappalli District.

3.The Taluk Supply Officer,
O/o. District Collector,
Tiruchirappalli, Tiruchirappalli District.

4.The Inspector of Police,
Civil Supplies C.I.D,
Tiruchirappalli, Tiruchirappalli District.
(Crime No.111/2017)

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to release the Light Goods Vehicle, viz., TATA ACE CLP bearing Registration No.TN 59 AP 6948 seized by the fourth respondent herein on 30.07.2017 and return the vehicle to the petitioner.

For Petitioner : Mr.A.Thiruvadikumar

For Respondents : Mr.C.Selvaraj,
Special Government Pleader

ORDER

This petition is filed seeking issuance of Writ of Mandamus, directing the respondents herein to release the Light Goods Vehicle, viz., TATA ACE CLP bearing Registration No.TN 59 AP 6948 seized by the fourth respondent herein on 30.07.2017 and return the vehicle to the petitioner.



2.Mr.C.Selvaraj, learned Special Government Pleader takes notice for respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, he is the owner of the vehicle, namely, TATA ACE CLP bearing registration No.TN 59 AP 6948 and on 30.07.2017, the fourth respondent seized the vehicle and kept it in his custody. Thereafter, on 25.08.2017, the petitioner made a detailed representation to the respondents seeking to release the vehicle, but so far the fourth respondent is not releasing the vehicle and keeping it in his custody.

4. The learned Special Government Pleader, on instructions, would submit that the above said vehicle was involved for illegally transporting of PDS rice. Hence, the fourth respondent seized the same and kept it in his custody.

5. 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.

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

(a) The petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) in cash before the fourth respondent;

(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 fourth respondent is directed to release the seized vehicle bearing Regn. No.TN-59-AP-6948 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 second respondent is 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 for 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-59-AP-6948 is seized by the fourth respondent on 30.07.2017, 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

The present Writ petition is disposed of on the above terms.
No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar.

To

1.The District Collector,
O/o. District Collector,
Tiruchirappalli, Tiruchirappalli District.

2.The District Revenue Officer,
O/o. District collector,
Tiruchirappalli, Tiruchirappalli District.

3.The Taluk Supply Officer,
O/o. District Collector,
Tiruchirappalli, Tiruchirappalli District.

4.The Inspector of Police,
Civil Supplies C.I.D,
Tiruchirappalli, Tiruchirappalli District.

+1CC to Mr.A.Thiruvadi Kumar, Advocate, SR.No. 78860

+1CC to the Special Government Pleader SR.No. 79287

W.P (MD) .No.17308 of 2017

14.09.2017

SKN

AM/KP/SAR 3/25.09.2017/4P/7C