

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 21.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM**W.P. (MD) No.17803 of 2017**

B.M.Shreef

... Petitioner

Vs.

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

2. The Inspector of Police,
Civil Supply CID,
Kuzhithurai,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to release the petitioner's Ashok Leyland lorry bearing registration No.TN25-X-5959 seized by the second respondent on 31.08.2017 now under the custody of the second respondent.

For Petitioner : Mr.R.Russel Raj

For Respondents : Mr.C.Selvaraj
Spl. Govt. Pleader

O R D E R

This Writ petition has been filed for issuance of a Writ of Mandamus directing the respondents to release the petitioner's Ashok Leyland lorry bearing registration No.TN25-X-5959 seized by the second respondent on 31.08.2017 now under the custody of the second respondent.

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, Ashok Leyland lorry bearing registration No.TN25-X-5959



and on 31.08.2017, the second respondent seized the vehicle and kept it in his custody. Thereafter, on 01.09.2017, the petitioner made a detailed representation to the respondent. But so far no action was taken, hence, the present writ petition.

4. The learned Special Government Pleader, on instructions, would submit that the above said vehicle was involved for illegally transporting of rice. Hence, the second 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.25,000/- (Rupees Twenty Five Thousand only) in cash before the second 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 second respondent is directed to release the seized vehicle bearing Regn.No. TN25-X-5959 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 and file an application 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. TN25-X-5959 is seized by the second respondent on 31.08.2017, the aforesaid order is to be complied with within a period of one week, if no order of adjudication is passed as on today.

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

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Revenue Officer,
Kanyakumari District at
Nagercoil.
2. The Inspector of Police,
Civil Supply CID,
Kuzhithurai,
Kanyakumari District.

+1cc to M/S. R.RUSSEL RAJ, Advocate, SR.No.80099.

W.P. (MD) No.17803 of 2017
21.09.2017

skn

SDS/SKN:RSK/SAR 1/22.09.2017/3P/4C