



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) Nos.23376 and 23377 of 2017

C.Sethukali

... Petitioner in both WPs

Vs.

1.The District Revenue Officer,
Madurai District, Madurai.

2.The Inspector of Police,
Civil Supplies Crime Investigation Department,
Madurai.

... Respondents in both WPs

COMMON PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the 1st respondent to release the Lorries bearing Registration Nos.TN-67 A-3252 and TN-28 V-6162 seized on 05.12.2017 by the 2nd respondent to the petitioner and thus render justice.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.M.Alagathevan
Special Government Pleader
in both WPs

COMMON ORDER

The writ petitions have been filed, seeking a writ of Mandamus directing the 1st respondent to release the Lorries bearing Registration Nos.TN-67 A-3252 and TN-28 V-6162, which were seized on 05.12.2017 by the 2nd respondent.

2.Since the issue involved in both the writ petitions, is one and the same, they are disposed of by this Common Order.



3. Heard both sides.

4. By consent, this writ petition is taken up for final disposal, at the stage of admission itself.

5. The case of the petitioner is that she is a Transport Contractor of TNSCS Madurai Region and on 05.12.2017, while rice bags were being transported from godown to the respective fair price shops in her lorries bearing Registration Nos. TN-67 A-3252 and TN-28 V-6162, they were seized by the second respondent alleging that the lorries were used for transportation of PDS rice and the lorries are now under the custody of the second respondent. Hence, the petitioner on 15.12.2017, sent a representation to the respondents, requesting to release her vehicles. However, the vehicles have not yet been released. So, the petitioner is before this Court.

6. It is further submitted by the learned Counsel for the petitioner that there is no bad antecedent committed by the petitioner with the very same vehicles.

7. On the other hand, the learned Additional Government Pleader stoutly refuted the contentions of the learned Counsel for the petitioner, and fairly submitted that the vehicles of the petitioner may be released with stringent conditions, to put an end to such occurrences, in future.

8. Considering the facts and circumstances of the case and in view of the fact that the vehicles in question is kept without any use by exposing it to sun and rain, they would certainly lose their value, the respondents are directed to release the vehicles in question to the petitioner on the following conditions:

“(i) The petitioner shall produce necessary documents before the respondents to establish and to prove her ownership of the vehicles in question;



(ii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), each, in respect of each vehicle, with the first respondent;

(iii) The petitioner shall give an undertaking that she will not use the vehicles for any illegal activities and also she will not indulge in such activities in future;

(iv) On doing so, the vehicles in question shall be returned to the petitioner; and

(v) The petitioner shall not alienate the vehicles in question till the disposal of the proceedings before the authority concerned."

9. These Writ petitions are ordered accordingly. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1.The District Revenue Officer,
Madurai District, Madurai.

2.The Inspector of Police,
Civil Supplies Crime Investigation Department,
Madurai.

+2cc to M/S.T.LENIN KUMAR, Advocate SR.No.93601 & 93602.
+1cc to Special Government Pleader in SR.No.93837.

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19.12.2017

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SDS/SV:MMS/SAR 4/20.12.2017/3P/6C