

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8470 of 2018

M.Muhilan

.. Petitioner

-vs-

The District Revenue Officer
Coimbatore
Coimbatore District

.. Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to release the Lorry bearing Registration No.TN-29-F-6790 seized by the District Supply Officer, Coimbatore, Coimbatore District on 06.03.2018 to the petitioner.

For Petitioner :: Mr.C.Prakasam

For Respondent :: Ms.S.Ramya Revathi
Government Advocate

ORDER

This writ petition has been filed seeking a mandamus to the respondent to release the Lorry bearing Registration No.TN-29-F-6790 seized by the District Supply Officer, Coimbatore, Coimbatore District on 06.03.2018 to the petitioner.

2. It is stated that the above vehicle was seized by the District Supply Officer, Coimbatore on 6.3.2018 and handed over to the respondent, on the allegation that the said vehicle was found transporting 340 bags of rice (each 50 kg) illegally from Andhra Pradesh to Kerala. Although a representation was made to the respondent on 29.3.2018 to release the above said vehicle, as it is exposed to sun diminishing its value, there is no response. Hence the petitioner is before this Court.

3. The learned Government Advocate taking notice for the respondent, objecting to the prayer, submitted that the petitioner has transported the rice illegally.

4. It may be so that the petitioner is alleged to have transported the rice from Andhra Pradesh to Kerala. But,

however, while considering a similar prayer, this Court has already passed an order in W.P.No.7159 of 2018 dated 27.3.2018 (B.Rajesh v. The District Revenue Officer, Erode) directing the respondent to release the seized vehicle subject to certain conditions. Therefore, this Court, without expressing any view on the contentions made by the petitioner against the allegations, as it is for the adjudicating authority to consider and decide, considering the fact that the vehicle was seized as early as on 6.3.2018 and the same is kept idle thereby exposing it to sun and rain, which undoubtedly would diminish its value, is of the view that the following order will protect the interest of both parties:

(a) The petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand) before the respondent 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 respondent 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 respondent 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.

(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/-
Asst.Registrar (CS IX)

/true copy/

Sub Asst. Registrar

ss

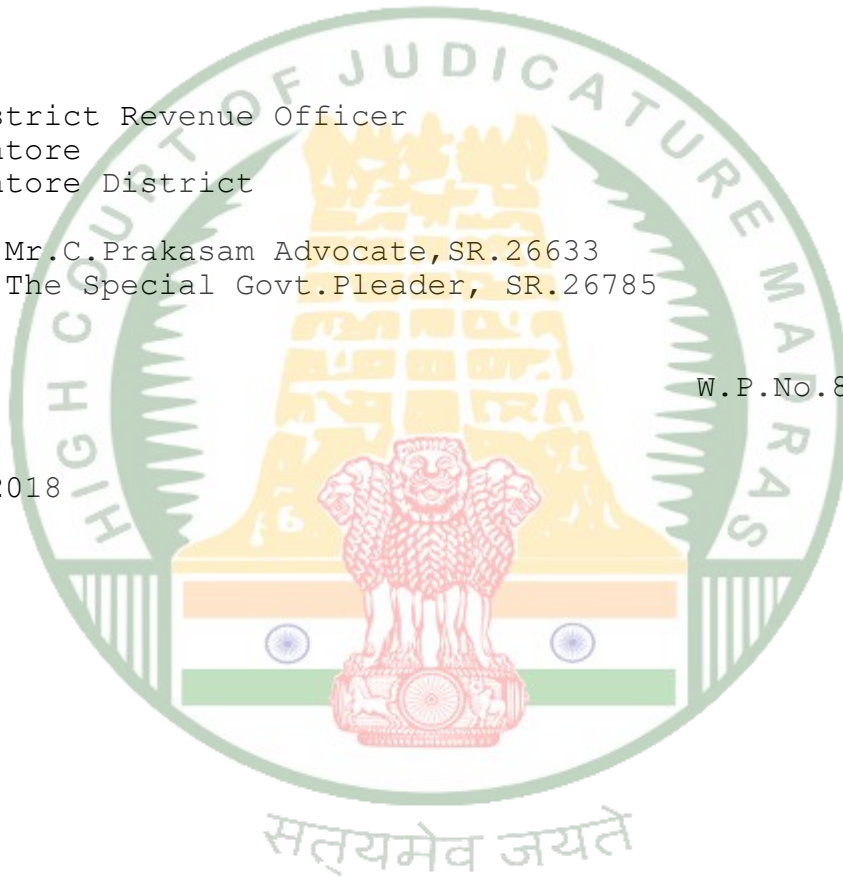
To

1. The District Revenue Officer
Coimbatore
Coimbatore District

+ 2 cc to Mr.C.Prakasam Advocate,SR.26633
+ 1 cc to The Special Govt.Pleader, SR.26785

W.P.No.8470 of 2018

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