

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.05.2018

CORAM

THE HONOURABLE MR. JUSTICE C.V. KARTHIKEYAN

W.P. No. 12589 of 2018

M. Madhesh

..Petitioner

Vs.

1. The District Collector,
Salem District, Salem.
2. The Designated Officer,
Food Safety Department,
Salem - 636 001.
3. The Inspector of Police,
Sooramangalam Police Station,
Salem City.
(Cr.No. 344/2018)

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus to direct the 3rd respondent Police to release the Tata Lorry bearing Registration No.TN-30-BJ-4254 and 75 bags of Shanthi Strong Panmasala to the petitioner.

For Petitioner ::Mr.R. Prabhakaran

For Respondents ::Mrs.K. Bhuvaneswari,
Additional Government Pleader

सत्यमेव जयते

O R D E R

Mrs.K.Bhuvaneswari, Additional Government Pleader, takes notice for the respondents.

2.By mutual consent of both sides, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3.The petitioner seeks release of the lorry bearing Registration No.TN-30-BJ-4254 and 75 bags of Shanthi Strong Panmasala, which was seized by the respondent Police on

23.03.2018. He has filed C.M.P.No.2810 of 2018 before the Judicial Magistrate No.-1, Salem, for return of property and the same was dismissed on 08.05.2018.

4. Earlier, in similar matter in W.P.No. 22408 of 2017, this Court had followed an earlier Judgment in W.P.No. 4805 of 2017, in which the conditions were imposed for release of the vehicle. This Court is of the opinion that there will not be any purpose in detaining the subject vehicle for a longer period. Hence, this Court is inclined to dispose of the Writ Petition with the following directions:-

"(i) The petitioner shall deposit a sum of Rs.50,000/- (Rupees fifty thousand only) in cash with the first respondent.

(ii) The petitioner shall produce documents before the first respondent to establish the ownership of the vehicle in question.

(iii) The petitioner shall file an undertaking that he will produce the vehicle in question before the respondents as and when called for and that he will not alienate the vehicle in question till the proceedings initiated are completed.

(iv) On compliance of the above conditions, the respondents are directed to release the vehicle to the petitioner within two days.

(v) The respondent shall proceed with the enquiry and pass appropriate orders. The petitioner is also directed to appear and cooperate with the enquiry.

(vi) This order for release of vehicle can be availed of by the petitioner if no criminal case is pending. If any criminal case is pending, 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".

5. With respect to the 75 bags of Shanthi Strong Panmasala which were seized by the respondent Police on

23.03.2018, the same can not be released. Separate petition may be filed, if there are grounds available for release of the same. Release of vehicle and goods cannot be clubbed together in one Writ Petition.

6. With the above said directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

sai/vsg

To

1. The District Collector,
Salem District, Salem.
2. The Designated Officer,
Food Safety Department,
Salem - 636 001.
3. The Inspector of Police,
Sooramangalam Police Station,
Salem City.
(Cr.No. 344/2018)

+2cc to Mr.R.Prabhakaran, Advocate SR.No.33739
+1cc to Government Pleader SR.No.33906

सत्यमेव जयते W.P. No. 12589 of 2018

NRL (CO)
GN (22/05/2018)

WEB COPY