



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.119 of 2018

WEB COPY

Annis

... Petitioner

Vs.

1.The District Revenue Officer,
Virudhunagar District.

2.The Inspector of Police,
Civil Supply CID,
Virudhunagar Police Station,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to release the petitioner's vehicle TN75-A-6139 seized by the 2nd respondent on 12.12.2017, now under the custody of the 2nd respondent.

For Petitioner : Mr.R.Russelraj

For Respondents : Mr.Aayiram K.Selvakumar

Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to release the petitioner's vehicle bearing Registration No.TN75-A-6139.

2.According to the petitioner, he is the owner of the above said vehicle and on 12.12.2017, the second respondent seized the vehicle and kept it in his custody. On 21.12.2017, the petitioner made a representation to the first respondent seeking to release the vehicle, but so far, the second respondent has not released the vehicle and keeping it in his custody.

3.The learned Additional Government Pleader on instructions submitted that the second respondent has seized the above lorry on the ground that the petitioner transported 9 ½ tons of PDS rice without any valid permit and kept in his custody.

4.The learned counsel for the petitioner submitted that the petitioner has not transported the PDS rice and the second respondent wrongly seized the vehicle of the petitioner and the vehicle is now in custody of the second respondent. No purpose will be served by keeping the lorry in custody of the second respondent. The respondents are directed to initiate the initiation of the adjudication proceedings by the respondents.



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

(a) The petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty 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 Registration No. TN75-A-6139 to the petitioner, within three days from the date of receipt of a copy of this order;

(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 to get release of the vehicle, by filing necessary application in the manner known to law and in accordance with law; and

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The District Revenue Officer,
Virudhunagar District.

2. The Inspector of Police,
Civil Supply CID,
Virudhunagar Police Station,
Virudhunagar District.

+1cc to Mr. R. RUSSEL RAJ, Advocate, SR. 41189

+1cc to M/S. Special Government Pleader, SR. 41462

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