



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN
W.P. (MD) No.120 of 2018

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Krishna Chandra Bose

... Petitioner

Vs.

1.The District Revenue Officer,
(*)**Tirunelveli** District.

2.The Inspector of Police,
Civil Supply CID,
(*)**Tirunelveli** Police Station,
(*)**Tirunelveli** 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 Eicher Mini Vehicle (Lorry) bearing Registration NO.TN75-K-1125 seized by the 2nd respondent on 19.12.2017, 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 namely Eicher Mini Vehicle (Lorry) bearing Registration No.TN75-K-1125.

2.According to the petitioner, he is the owner of the above said vehicle and on 19.12.2017, 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 the 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 till 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.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 Registration No. TN75-K-1125 to the petitioner, within three days from the date of receipt of a copy of this order;

(e) 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

No costs.

Sd/-

Assistant Registrar

(*) Corrected order issued

/True copy/

Sub Assistant Registrar

To

To be substituted for already despatched on 10.01.2018.

1. The District Revenue Officer,

1. The District Revenue Officer,
Tirunelveli District.



2.The Inspector of Police,
Civil Supply CID,
(*)Tirunelveli Police Station,
(*)Tirunelveli District.

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+1cc to Mr.R.RUSSEL RAJ,Advocate,SR. 41190

+1cc to M/S.Special Government Pleader,SR. 41463

W.P (MD) No.120 of 2018
09.01.2018

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KK/SKN RSK/SAR 3/10.01.2018/ 3P- 5C/

KK/SKN RSK/SAR 1/29.01.2018/ 3P- 5C/