

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2019

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P.No.26 of 2019

N.Venkatesan

... Petitioner

Versus

The District Revenue Officer,
Krishnagiri,
Krishnagiri District.

... Respondent

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to release the Car bearing Registration No.TN-07-BP-6064 seized by the Inspector of Police, Civil Supplies CID, Krishnagiri, Krishnagiri District on 24.10.2018 to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.N.Inbanathan
Additional Government Pleader

ORDER

This petition has been filed seeking a direction to release the car bearing Registration No.TN-07-BP-6064 seized by the Inspector of Police, Civil Supplies CID, Krishnagiri, on 24.10.2018 on the ground that the petitioner has transported 200 Kgs rice without permission.

2. According to the petitioner, while the petitioner was travelling in his car along with his family from Katpadi to Bangalore, the Inspector of Police, Civil Supplies CID, Krishnagiri, seized the vehicle as if the petitioner has transported 200 Kgs of rice on 24.10.2018. Now, the car is in the custody of the respondent.

3. Considering the fact that only 200 kgs of rice is alleged to be transported, without expressing any view on the merits and also without prejudice to the rights of the respondent to initiate appropriate proceedings, the respondent is directed to release vehicle on the following conditions :

(a) The petitioner shall deposit a sum of Rs.5,000/- (Rupees five thousand only) 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.

5. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mrp
To

The District Revenue Officer,
Krishnagiri,
Krishnagiri District.

+1cc to Mr.C.Prakasam, Advocate sr.no.1523
+1cc to Government Pleader sr.no.1398

nr 08/01/2019

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