

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.8935 of 2019
and
W.M.P.No.9502 of 2019

T.Aliyappu

...Petitioner

Vs.

1. The District Collector,
Office of the Collector,
Coimbatore.
2. District Revenue Officer,
Office of the District Revenue Officer,
Coimbatore.
3. The Inspector of Police,
Civil Supplies Distribution cum
Crime Investigation Department,
Pollachi Police Station,
Coimbatore District.
4. Break Inspector,
Regional Transport Office,
Pollachi, Coimbatore.
5. The Assistant Engineer,
Government Vehicle Automobile Locomotive,
Koundampalayam, Coimbatore.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to release the vehicle namely "BOLERO" bearing Registration No.KL-52- A-7595 to the Petitioner within the time to be stipulated by this Hon'ble Court.

For Petitioner : Mr.S.Shankar

For Respondents: Mr.E.Balamurugan
Special Government Pleader

O R D E R

Mr.E.Balamurugan, learned Special Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a mandamus directing the respondents to release the vehicle namely "BOLERO" bearing Registration No.KL-52-A-7595 seized by the Sub-Inspector of Police, Pollachi Police Station, Coimbatore District on 04.06.2018.

3. It is stated that the above vehicle was seized by the Sub-Inspector of Police, Pollachi Police Station, Coimbatore District on 04.06.2018 on the allegation that the said vehicle was indulged in transporting 150 kgs of rice. Therefore, this Court, at this stage, is not expressing any view on the contentions made by the petitioner against the allegations made, as it is for the Adjudicating Authority to consider and decide. However, considering the fact that the vehicle was seized as early as on 04.06.2018 and the same is kept idle thereby exposing it to sun and rain, which undoubtedly would diminish its value, this Court is of the view that the following order will protect the interest of both parties:

a) The petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen thousand) before the second 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 respondents 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 respondents 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. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

mk
To

1. The District Collector,
Office of the Collector,
Coimbatore.
2. District Revenue Officer,
Office of the District Revenue Officer,
Coimbatore.
3. The Inspector of Police,
Civil Supplies Distribution cum
Crime Investigation Department,
Pollachi Police Station,
Coimbatore District.
4. Break Inspector,
Regional Transport Office,
Pollachi, Coimbatore.
5. The Assistant Engineer,
Government Vehicle Automobile Locomotive,
Koundampalayam, Coimbatore.

+1 CC to Govt. Pleader sr 30483.
+1 CC to Mr.S.Shankar, Advocate sr 30121.

W.P.No.8935 of 2019

VD(CO)
SP(06/05/2019)



WEB COPY