

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2019

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.13585 of 2019

Kahaja Moideen @ K.Khaja Muhaideen

.. Petitioner

Vs.

The District Revenue Officer,
Erode,
Erode District.

.. Respondent

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent to release the Tata Super Ace Mini van bearing Registration No.TN-43-D-2722 seized by the Inspector of Police, Civil Supplies CID, Erode, Erode District on 28.04.2017 to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.R.Govindasamy
Spl.Govt.Pleader.

ORDER

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

2. The petitioner seeks for a mandamus directing the respondent to release the Tata Super Ace Mini Van bearing Registration No.TN-43-D-2722 seized by the Inspector of Police, Civil Supplies CID, Erode, Erode District on 26.04.2017.

3. It is stated that the above vehicle was seized by the respondent on 28.04.2017 on the allegation that the said vehicle was indulged in transporting rice illegally. 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 28.04.2017 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 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.

The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

vsi

To

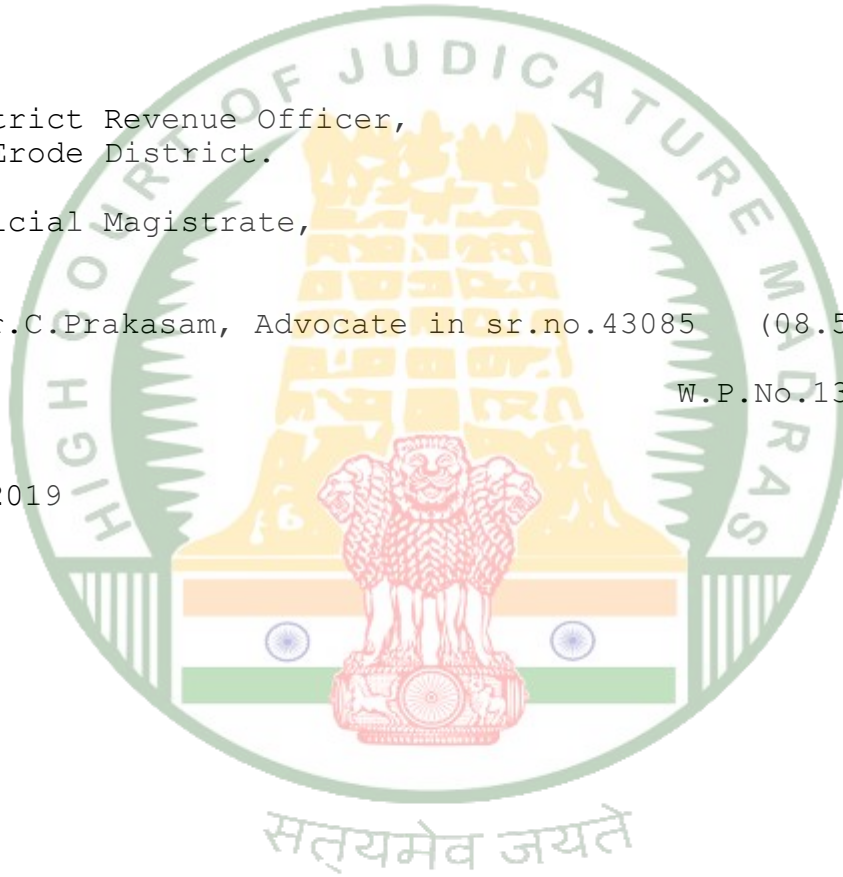
1.The District Revenue Officer,
Erode, Erode District.

2.The Judicial Magistrate,
Erode

+1cc to Mr.C.Prakasam, Advocate in sr.no.43085 (08.5.2019)

W.P.No.13585 of 2019

SPD(CO)
CS/02/05/2019



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