

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2020
CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.9747 of 2020

M.Ashok Kumar
S/o.Madhavan Nair
Madampath House, Vellila Mankada
Malappuram, Kerala-679324. ...Petitioner

Vs.

1.The District Revenue Officer
O/o. The District Collector
Coimbatore District.
2.The Inspector of Police
CSCID
Pollachi, Coimbatore District. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to release the petitioner's Ashok Leyland Lorry bearing Registration Number KA-21-9394, which was seized by the 2nd respondent on 24.12.2019 by considering the petitioner's representation dated 11.07.2020.

For Petitioner : Mr.M.Vinoth

For Respondents: Mr.D.Suriyanarayanan
Additional Government Pleader

ORDER

This matter is taken up for hearing through Video Conferencing mode.

2. Mr.D.Suriyanarayanan, learned Additional 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.

3. The petitioner seeks for a mandamus directing the respondents to release the Ashok Leyland Lorry bearing Registration Number KA-21-9394, which was seized by the 2nd respondent on 24.12.2019 to the petitioner.

4. It is stated that the above vehicle was seized by the 2nd respondent on 24.12.2019 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 24.12.2019 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.25,000/- (Rupees twenty five thousand) before the respondents 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.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mk/vri

To

1.The District Revenue Officer

O/o. The District Collector,Coimbatore District.

2.The Inspector of Police,CSCID, Pollachi,Coimbatore District.

+1cc to Mr.M.Vinoth , Advocate SR.No. 25317

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