

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.14187 of 2020

D.Thangaraj

... 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 Dost bearing Registration No.TN-37-CB-4551, which was seized by the second respondent on 04.09.2020, by considering the petitioner's representation dated 22.09.2020.

For Petitioner : Mr.M.Vinoth

For Respondents: Mr.V.Shanmugasundar
Spl. Govt. Pleader

O R D E R

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

2. Mr.V.Shanmugasundar, 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.

3. The petitioner seeks for a mandamus directing the first respondent to release his Van bearing Registration

No.TN-37-CB-4551 seized by the Inspector of Police, Civil Supplies CID, Pollachi on 04.09.2020.

4. It is stated that the above vehicle was seized by the Inspector of Police, Civil Supplies CID, Pollachi on 04.09.2020 on the allegation that the said vehicle was indulged in transporting PDS 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 04.09.2020 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.20,000/- (Rupees twenty thousand) before the first 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 first 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 first respondent to initiate proceedings 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.

With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn/asr

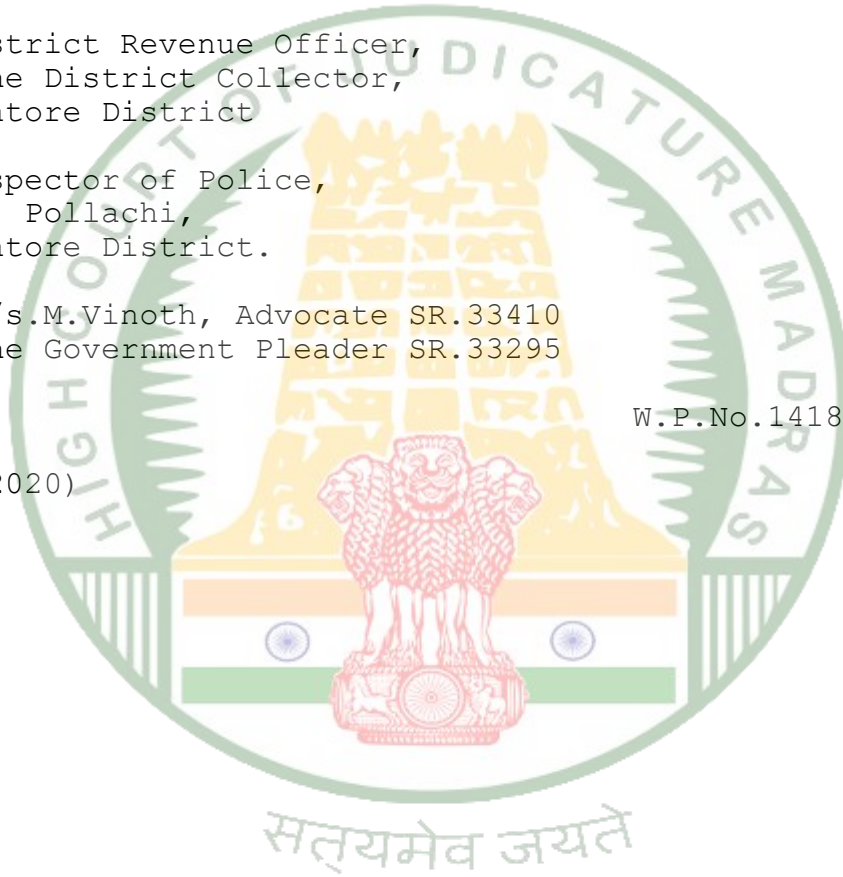
To

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

+1cc to M/s.M.Vinoth, Advocate SR.33410
+1cc to the Government Pleader SR.33295

W.P.No.14187 of 2020

GP(CO)
CB(09/11/2020)



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