

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.18705 of 2020

Umamaheswari

...Petitioner

Vs.

1. The District Revenue Officer,
District Revenue Office,
Namakkal District.

2. The Inspector of Police,
CSCID Police
Namakkal District.

...Respondents

PRAYER: The Writ Petition has been filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the first respondent to release the Ashok Leyland Goods Carrier bearing registration No.TN-37-AY-7467, Engine No.MNII52001 seized by the second respondent on 06.10.2020 to the petitioner forthwith based on the representation of the petitioner dated 16.10.2020.

For Petitioner : Mr.Deepanuday

For Respondents : Mr.V.Shanmugasundar

Special Government Pleader

सत्यमेव जयते
O R D E R

The present Writ Petition has been filed for the issuance of a Writ of Mandamus to direct the first respondent to release Ashok Leyland Goods Carrier bearing registration No.TN-37-AY-7467, Engine No.MNII52001 seized by the second respondent on 06.10.2020 to the petitioner forthwith based on the representation of the petitioner dated 16.10.2020.

2. It is stated that the above-vehicle was seized by the second respondent on 06.10.2020 on the allegation that the said vehicle was indulged in transporting ration 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 06.10.2020 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.1,00,000/- (Rupees One Lakh Only) 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

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To

1. The District Revenue Officer,
District Revenue Office,
Namakkal District.
2. The Inspector of Police,
CSCID Police
Namakkal District.

W.P.No.18705 of 2020

AJB (CO)
KKV/22/01/2021



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