

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.17152 of 2020
(Heard through VC)

S.J.Vignesh Ram Kumar

...Petitioner

vs

1. The District Revenue Officer,
Coimbatore,
Coimbatore District.

2. State rep. by its
The Inspector of Police,
Pollachi Bazaar Police Station,
Coimbatore District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to release the Ashok Leyland Lorry bearing Registration No.TN-33-AL-5995 seized by the second respondent on 02.10.2020 to the petitioner.

For Petitioner : Mr.M.N.Balakrishnan

For Respondents : Mr.P.V.Selvakumar

Additional Government Pleader

सत्यमेव जयते
O R D E R

Mr.P.V.Selvakumar, 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.

2. The petitioner seeks for a mandamus directing the first respondent to release his Lorry bearing Registration No.TN-33-AL-5995 seized by the Inspector of Police, Pollachi Bazaar Police Station, Coimbatore on 02.10.2020.

3. It is stated that the above vehicle was seized by the Inspector of Police, Pollachi Bazaar Police Station, Coimbatore on 02.10.2020 on the allegation that the said vehicle was indulged in transporting Urea 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 02.10.2020 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.30,000/- (Rupees Thirty thousand only) 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(CS IV)

//True Copy//

Sub Assistant Registrar

rsi

To

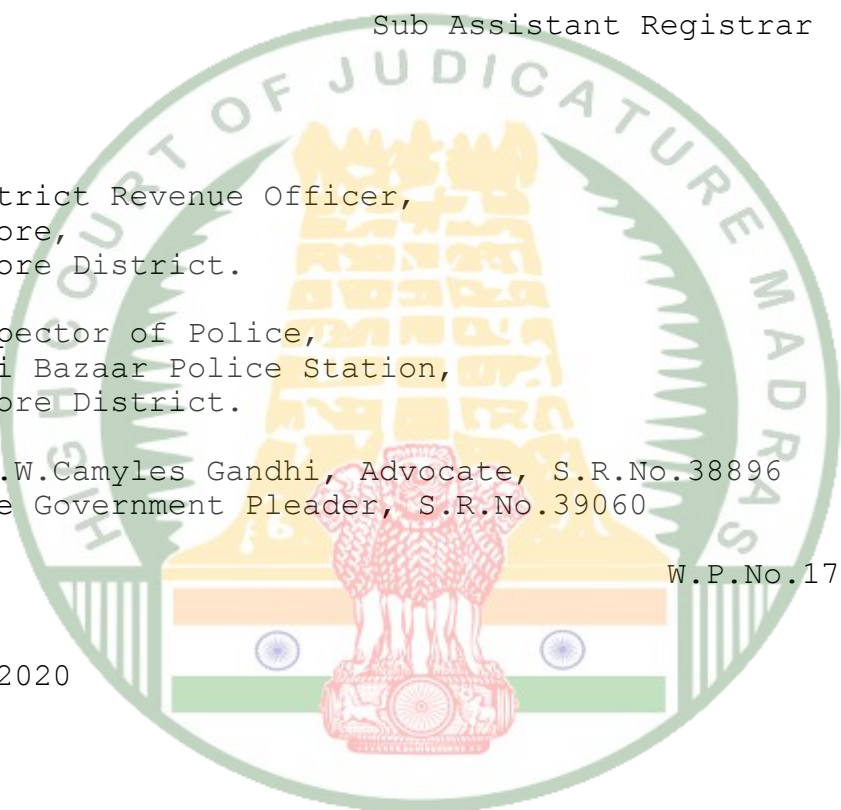
1. The District Revenue Officer,
Coimbatore,
Coimbatore District.
2. The Inspector of Police,
Pollachi Bazaar Police Station,
Coimbatore District.

+1cc to Mr.W.Camyles Gandhi, Advocate, S.R.No.38896

+1cc to the Government Pleader, S.R.No.39060

W.P.No.17152 of 2020

PP(CO)
KKV/08/12/2020



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