

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.17122 of 2020

(Heard through VC)

H.R.Muralidhar ... Petitioner

vs

1. The District Revenue Officer,
Ranipet - 632 401.
Vellore District,
(Presently Ranipet District).
2. The Tahsildar,
Walajapet - 632 513,
Vellore District,
(Presently Ranipet District).
3. The Inspector of Police,
CSCID - Vellore Police Station,
Vellore District.
(Crime No.269 of 2019) ... 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 TATA 1109 Lorry bearing Registration No.KA-53-D-6405 to petitioner which was seized by the third respondent on 04.11.2019 pursuant to the representation dated 17.02.2020.

For Petitioner : Mr.M.R.Thangavel

For Respondents : Mr.V.Shanmugasundar
Special Government Pleader

O R D E R

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.

2. The petitioner seeks for a mandamus directing the first respondent to release his TATA 1109 Lorry bearing Registration No.KA-53-D-6405 seized by the Inspector of Police, CSCID - Vellore Police Station on 04.11.2019.

3. It is stated that the above vehicle was seized by the Inspector of Police, CSCID - Vellore Police Station on 04.11.2019 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 04.11.2019 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.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

//True Copy//

Sub Assistant Registrar

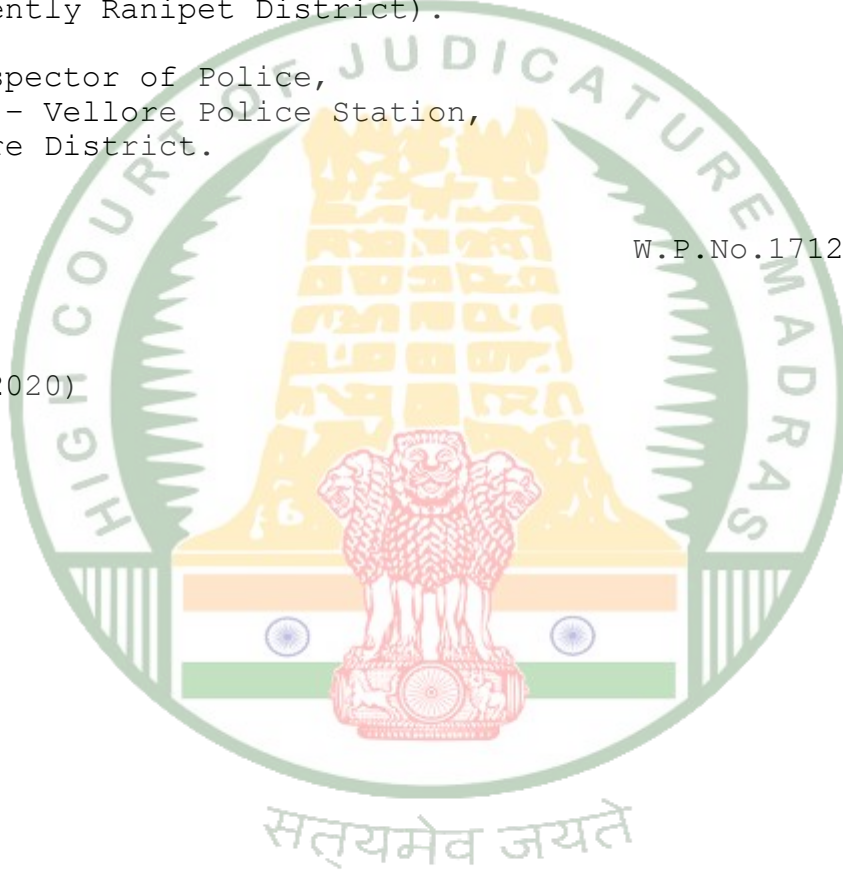
rsi

To

1. The District Revenue Officer,
Ranipet - 632 401.
Vellore District,
(Presently Ranipet District).
2. The Tahsildar,
Walajapet - 632 513,
Vellore District,
(Presently Ranipet District).
3. The Inspector of Police,
CSCID - Vellore Police Station,
Vellore District.

W.P.No.17122 of 2020

CP(CO)
GN(29/12/2020)



WEB COPY