

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.02.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.25515 of 2019

Sheik Raszak Asif Ali,
Rep. by his power Agent,
Mohammed Suhel, M/24
S/o.Mohammed Imam,
7th Cross, Indira Nagar,
Kukkikatte, Udipi Taluk & District,
Karnataka State. .. Petitioner

..Vs..

- 1.The District Revenue Officer,
Erode, Erode District.
- 2.The Inspector of Police,
Civil Supplied CID, Erode,
Erode District. ... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent to release the Comet Vehicle bearing Registration No.KA-20-AA-0287 seized by the second respondent on 12.05.2019 to the petitioner.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.M.Inbanathan
Additional Government Pleader

O R D E R

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, to direct the first respondent namely District Revenue Officer, Erode, to release the Comet Vehicle bearing Registration No.KA-20-AA-0287 seized by the second respondent namely Inspector of Police, Civil Supplied CID, Erode, on 12.05.2019 to the petitioner.

2.The petitioner is the owner of the said lorry. He was informed that the said vehicle was involved in transporting PDS rice of 15 bags each 50 Kgs on 12.05.2019 at Pudhuvadavalli Bus Stop near, on Sathy to Bannari Road and the vehicle was seized

by the second respondent. The seized vehicle is now kept under the custody of second respondent. In this regard he made a representation on 15.07.2019, seeking the respondent to release his vehicle. Till date his representation has not been considered by the respondent. Hence the present writ petition has been filed.

3.The writ petition had actually been filed on 26.08.2019. Pending the writ petition, the learned Additional Government Pleader submitted a letter dated 01.11.2019 in Na.Ka.No.14092/2019/ f3 passed by the first respondent wherein the first respondent had imposed a sum of Rs.9,95,000/- as penalty for releasing the said vehicle.

4.The learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle. It was stated that no notice was served on the petitioner. On verification of the records it is seen that the petitioner had not been served any notice. Accordingly, the said order dated 01.11.2019 in Na.Ka.No.14092/2019/f3 passed by the first respondent namely District Revenue Officer, Erode, is set aside. The Officer must bear in mind, the Principles of the Natural Justice and that notice should be given to the person who own the vehicle and on hearing the said person, any administrative order may be passed.

5. Heard both sides and perused the materials available on record.

6.Without expressing any opinion on the merits of the case and considering the facts and circumstances of this case, this Court is inclined to issue a direction to the first respondent to issue fresh notice to the petitioner for his appearance. If the notice is not served, the petitioner may appear before the first respondent on 17.02.2020. On the date of appearance the petitioner shall submit all the relevant documents before the first respondent and thereafter the first respondent shall examine the documents and pass an appropriate order on or before 30.03.2020 with respect to the release of the vehicle under the provisions of the Section 6(b) EC Act.

7.With the above directions, the Writ Petition stands disposed of. No costs.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1.The District Revenue Officer,
Erode, Erode District.

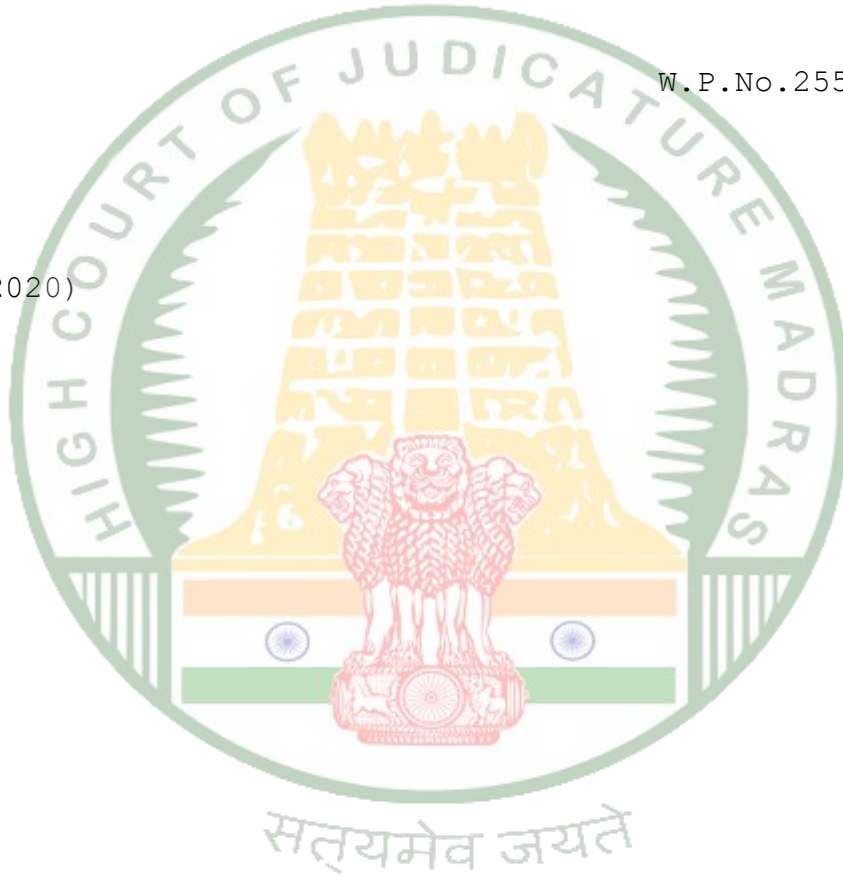
2.The Inspector of Police,
Civil Supplied CID, Erode,
Erode District.

+1 CC to The Govt. Pleader sr 9518

+1 CC to Mr.C.Prakasam, Advocate sr 9225.

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SSD(CO)
SP(26/02/2020)



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