



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.07.2020
CORAM

THE HON'BLE **MR. JUSTICE C. SARAVANAN**

W.P. (MD) No.7244 of 2020

(Through Video Conferencing)

WEB COPY

N.Sasithal Banu

... Petitioner

Vs.

1.The District Revenue Divisional Officer,
Tenkasi District, Tenkasi.

2.The Inspector of Police,
Civil Supplies C.I.D.,
Tirunelveli.

... 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 Auto bearing registration No.TN-76-W-4450 seized by the 2nd respondent on 12.04.2020 to the petitioner.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.Karuppasamy, G.A.

O R D E R

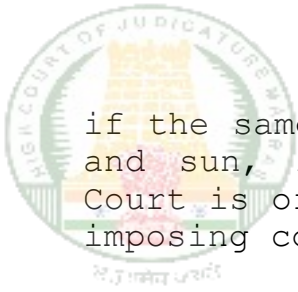
Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

2. Petitioner has filed the present Writ Petition praying for issuance of a Writ of Mandamus, directing the 1st respondent to release the Auto bearing registration No.TN-76-W-4450 seized by the 2nd respondent on 12.04.2020 to the petitioner.

3. According to the petitioner, the 2nd respondent seized the vehicle in question on 12.04.2020 on the ground of illegal transportation of 16 bags of rice (each contains 20 kgs)) and till date, no order for release of the said vehicle has been passed by the respondents. Hence, the petitioner has come forward with the present Writ Petition.

4. On the other hand, it is submitted by the learned Government Advocate for the respondents that the vehicle in question was used for illegal transportation of rice and hence, the vehicle was seized. He would further submit that the petitioner has no previous case.

5. In any event, as the vehicle is under the custody of the respondents from the date of seizure and considering the fact that



if the same is allowed to be kept idle by exposing the same to rain and sun, it would certainly diminish its value. Therefore, this Court is of the view that the vehicle in question may be released by imposing conditions on the petitioner.

6. Accordingly, the respondents are directed to release the vehicle in question to the petitioner within a period of 7 days from the date of compliance of the below mentioned condition Nos.(i) to (iii):

- i. The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) before the jurisdictional Tahsildar concerned as non-refundable deposit. After receipt of the above said amount, the same will have to be deposited by the jurisdictional Tahsildar concerned, to the credit of the District Mines and Minerals Foundation Trust as non-refundable deposit.
- ii. The petitioner shall execute a personal bond for a sum of Rs10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the concerned jurisdictional Judicial Magistrate.
- iii. The petitioner shall give an undertaking before the respondents/authority concerned stating that he will not use the vehicle in question for any illegal activities in future and shall produce the same as and when required by the respondents and also the trial Court, failing which the respondents/trial Court is/are at liberty to confiscate the vehicle.
- iv. The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned.
- v. The petitioner is also directed to participate in the enquiry to be conducted by the respondents.

7. With the above observations and directions, this Writ Petition is disposed of. No cost.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Sji



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

- 1.The District Revenue Divisional Officer,
Tenkasi District, Tenkasi.
- 2.The Inspector of Police,
Civil Supplies C.I.D.,
Tirunelveli.

W.P. (MD) No.7244 of 2020
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