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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.13707 of 2021

Valli

...Petitioner

Vs

1. The District Revenue Officer,  
District Revenue Office,  
Thiruppathur, Thiruppathur District.
2. The Special Tahsildar,  
Flying Squad, Thiruppathur,  
Thiruppathur District.
3. The Inspector of Police,  
Civil Supplies Crime Investigation Department,  
Vellore, Vellore District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the first respondent to consider the petitioner's representation dated 24.03.2021 and consequently direct the first respondent to release the petitioner's Ashok Leyland Dost +RLS bearing registration No.TN-23-CR-4132 which is under the custody of the first respondent.

For Petitioner : Mr.E.Kannadasan

For Respondents : Mr.Stalin Abimanyu, GA

O R D E R

The present writ petition has been filed seeking a direction to the first respondent to consider the petitioner's representation dated 24.03.2021 and to release the petitioner's vehicle viz., Ashok Leyland Dost +RLS bearing registration No.TN-23-CR-4132 which is under the custody of the first respondent.



3. It is seen from the records that the subject vehicle was seized by the second respondent on 30.06.2020 on the allegation that the said vehicle was indulged in transporting 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 30.06.2020 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:

(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.



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4. This Writ Petition is disposed of with the above direction. No costs.

Sd/-  
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The District Revenue Officer,  
District Revenue Office,  
Thiruppathur, Thiruppathur District.
2. The Special Tahsildar,  
Flying Squad, Thiruppathur,  
Thiruppathur District.
3. The Inspector of Police,  
Civil Supplies Crime Investigation Department,  
Vellore, Vellore District.

+1cc to the Government Pleader, S.R.No.34651

W.P.No.13707 of 2021

AD(CO)  
RLP(06/08/2021)