



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.08.2021

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN

Writ Petition No. 16115 of 2021

M. Madhavi

.. Petitioner

Versus

1. The District Revenue Officer
District Collectorate
Krishnagiri District
Krishnagiri

2. The Inspector of Police
CSCID, Krishnagiri
Krishnagiri District
(Crime No.71 of 2021)

.. 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 petitioner's Ashok Leyland Dost Truck bearing registration Number AP 39 TR 7386 seized on 25.06.2021 and keeping under the custody of the first respondent by considering the petitioner's representation dated 14.07.2021.

For Petitioner	:	Mr. C.S. Saravanan
For Respondents	:	Mr. Stalin Abhimanyu Government Counsel

ORDER

The petitioner seeks for issuing a Writ of Mandamus directing the respondents 1 and 2 to release the Ashok Leyland Dost Truck bearing registration Number AP 39 TR 7386, which was seized on 25.06.2021 by considering her representation dated 14.07.2021.

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



3. It is seen from the records that the subject vehicle was seized by the second respondent on 25.06.2021 on the allegation that the said vehicle 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 25.06.2021 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.50,000/-(Rupees fifty 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 to prove the ownership of the vehicle for verification of the authority.

(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 subject vehicle 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 in accordance with law and pass appropriate orders on merits, 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 him.

(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.

4. Subject to the aforesaid direction, this Writ Petition is disposed of. No costs.

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Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

Rsh

To

1. The District Revenue Officer
District Collectorate
Krishnagiri District
Krishnagiri

2. The Inspector of Police
CSCID, Krishnagiri
Krishnagiri District

+1CC to M/s.C.S.Saravanan, Advocate, SR.No. 37546

+1CC to The Government Pleader, SR.No. 38030

WP No. 16115 of 2021

GP(CO)

B.VC (27/08/2021)