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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.10.2021

Coram

The Honourable Mr. Justice R. MAHADEVAN

W.P.No.21034 of 2021

B.Loganayaki

...Petitioner

Versus

1.The District Revenue Officer,
Collectorate,
Salem District, Salem.

2.The Inspector of Police,
Civil Supplies CID,
Konganapuram,
Salem District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents herein to release the Ashok Leyland Tanker Truck Lorry bearing Registration No.TN90 A 8833 to the petitioner.

For Petitioner : Mr.S.Vinoth Kumar

For Respondents : Mr.Stalin Abhimanyu,
Government Counsel

O R D E R

The relief sought in this writ petition is to direct the respondents to release the petitioner's vehicle viz., Ashok Leyland Tanker Truck Lorry bearing Registration No.TN90 A 8833 which was seized by the second respondent on 29.07.2021.

2. Heard learned counsel for the petitioner and learned Government Counsel appearing for the respondents.

3. It is seen from the records that the subject vehicle was seized by the second respondent on 29.07.2021 on the allegation that the said vehicle was parked in an open land with adulterated diesel and supplying fuel to other vehicles. It is also seen that subsequent to the seizure of the aforesaid vehicle, the petitioner has made a representation dated



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16.08.2021, to the first respondent, requesting to release the same. 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 29.07.2021 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 directions 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 proving 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. This Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

mrr



To

1.The District Revenue Officer,
Collectorate,
Salem District, Salem.

2.The Inspector of Police,
Civil Supplies CID,
Konganapuram,
Salem District.

+1CC to Mr.S.Vinoth Kumar, Advocate, SR.No. 52578

+1CC to The Government Pleader, SR.No. 53138

W.P.No.21034 of 2021

KG(CO)

B.VC (27/10/2021)