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THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

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THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No. 24655 of 2021

Lakshmanan.S.

.. Petitioner

Versus

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

2. The Inspector of Police,
CSCID-Chennai,
Salem District.
Crime No.64 of 2021

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to release the petitioner's Mahindra Bolero Maxi Truck Plus bearing registration No.TN 91 U 4342 seized on 09.05.2021 and keeping under the custody of the first respondent by considering the petitioner's representation dated 30.09.2021.

For Petitioner : Mr. A.M.Venkata Krishnan

For Respondents : Mr. U.Baranidharan
Additional Government Pleader

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus directing the respondents to release the petitioner's Mahindra Bolero Maxi Truck Plus bearing registration No.TN 91 U 4342 seized on 09.05.2021 considering the petitioner's representation dated 30.09.2021.

2. According to the Petitioner, he is the owner of the vehicle of the Mahindra Bolero Maxi Truck Plus bearing Registration No. TN-91-U-4342 and the said vehicle has been used for the purpose of transporting goods with a valid permit.

3. On 09.05.2021, while transporting unbranded rice (PDS rice), the respondent seized the petitioner's vehicle on the allegation that the petitioner used his vehicle for carrying PDS rice without any valid permit and registered a case in Crime



No.64 of 2021 before the second respondent and the said vehicle was parked at the office of the first respondent. Therefore, the petitioner has given a representation to the respondents to release his vehicle. Till date, the respondents have not taken any steps to release the said vehicle. Hence, the petitioner has filed the present petition before this Court seeking appropriate directions.

4.The learned counsel for the petitioner submitted that the vehicle is now under the custody of the first respondent. If the respondents will not release the said vehicle, the value of the vehicle will be lost. The learned counsel further submitted, on instructions, that the petitioner, without prejudice to his rights, is ready to deposit an amount of Rs.1,00,000/- (Rupees One Lakh only) to the credit of the crime number. Hence, this Court may issue a direction to the respondents to take necessary steps on the representation submitted by the petitioner.

5.The learned Government Advocate submitted that if the petitioner is ready to deposit the value of the vehicle, i.e., Rs.3,00,000/-, he has no objection to release the said vehicle.

6.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents, and perused the materials placed on record.

7.Considering the facts and circumstances of the case and also having regard to the submissions so made by the Learned counsel appearing on either side, this Court passed the following order:

i. The petitioner, without prejudice to his rights and contentions shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) before the first respondent within a period of two weeks from the the date of receipt of a copy of this order;

ii. the petitioner shall appear in person and produce all the relevant documents proving the ownership of the vehicle for verification of the Authority;

iii. 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, within a period of one weeks from the date of deposit;

iv. the petitioner shall not use the said vehicle for any unlawful purpose and also shall not alienate



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the same during the pendency of the proceedings; and

v. it is open to the respondent to initiate proceedings in accordance with law and pass appropriate orders on merits, as expeditiously as possible.

8. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Rli

To

1. The District Revenue Officer,
Salem District, Salem.
2. The Inspector of Police,
CSCID-Chennai,
Salem District.

+1cc to the Government Pleader, S.R.No.59749

+1cc to Mr.A.M.Venkatakrisnan, Advocate Sr.59617(23/12/2021)

W.P. No. 24655 of 2021

SJ(CO)

CT 10/12/2021