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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.23481 of 2021

S.R. Sengottuvel

.. Petitioner

Versus

1. The District Revenue Officer
Collectorate
Namakkal District
Namakkal - 637 003

2. The Inspector of Police
Civil Supplies CID
Namakkal

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to release the vehicle namely Tanker Lorry bearing registration Number KA 01 AG4366 which was seized by the 2nd respondent to me.

For Petitioner : Mr.M. Mohammed Riyaz

For Respondents : Mr.G.Krishnaraja,
Government Counsel

O R D E R

The present writ petition has been filed seeking a direction to the first respondent to release the vehicle viz., Tanker Lorry bearing Registration No. KA 01 AG 4366 seized by the second respondent to the petitioner.

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 29.07.2021 on the allegation that the said vehicle was indulged in transporting bio diesel. 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 order will protect the interest of both parties:

(a) The petitioner 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 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 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 the petitioner.

(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 direction. No costs.

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Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

dhk

To

1. The District Revenue Officer
Collectorate
Namakkal District
Namakkal - 637 003
2. The Inspector of Police
Civil Supplies CID
Namakkal

+1cc to Mr.M.Mohamed Riyaz, Advocate, S.R.No.57239

WP No. 23481 of 2021

RLD(CO)
SU(22/11/2021)