



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.23597 of 2021

Raja Fabrics
Rep by its Proprietor
B. Radhika
W/o. Baskaran
No.3/1, Thirugnanam Nagar
Dadagapatty
Salem - 636 005

.. Petitioner

Versus

1.The District Revenue Officer
Salem District
Salem - 636 001

2.The Inspector of Police
CSCID, Salem
Salem District

.. 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 Petitioner's BHARATH BENZE LORRY Registration No.TN 90 D 7390 seized on 27.04.2021 and keeping under the custody of the 1st respondent by considering the petitioners representation dated 16.10.2021.

For Petitioner : Mr.A. Saravanan

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., BHARATH BENZE LORRY bearing Registration No. TN 90 D 7390 seized by the second respondent to the petitioner.



3. It is seen from the records that the subject vehicle was seized by the second respondent on 27.04.2021 on the allegation that the said vehicle was indulged in transporting PDS 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 27.04.2021 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:

(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(CCC)

//True Copy//

Sub Assistant Registrar

dhk

To

1.The District Revenue Officer,
Salem,
Salem - 635 6001.

2.The Inspector of Police,
CSCID, Salem,
Salem District.

+1cc to Mr.A.Saravanan, Advocate Sr No.56426

WP No. 23597 of 2021

NRJK (CO)
PR (02/11/2021)