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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26772 of 2021

C.Govindaraju

... Petitioner

Vs.

1. The District Revenue Officer,
Krishnagiri District,
Krishnagiri.
2. The Inspector of Police,
CSCID Police Station, Krishnagiri,
Krishnagiri District.
(Crime No.94/2021)

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents to release the Petitioner's EICHER HIDECK BODY MINI LORRY bearing Registration No.KA-51-AF-5138, seized on 29.11.2020 and keeping under the custody of the 1st respondent by considering his representation dated 25.11.2021.

For Petitioner : Mr.C.S.Saravanan

For RR1 : Mrs.C.Sangamithirai,
Special Government Pleader

For RR2 : Mr.Murthi, Government Advocate

O R D E R

Petitioner has come up with this Writ Petition seeking a direction to the Respondents to release his EICHER HIDECK BODY MINI LORRY bearing Registration No.KA-51-AF-5138, forthwith, which was seized by the 2nd Respondent in Crime No.94 of 2021, on 29.11.2020 and kept under the custody of the 1st Respondent, by considering his representation dated 25.11.2021.



2. The case of the Petitioner is that the Petitioner's vehicle namely, EICHER HIDECK BODY MINI LORRY bearing Registration No.KA-51-AF-5138, was seized by the 2nd respondent on 29.11.2020 on the allegation that, it was involved in illegal transportation of 50 kgs of PDS rice. The Petitioner made a representation to the Respondents on 25.11.2021 seeking to release his vehicle. Since the same has not been considered, he has approached this Court.

3. Learned counsel for the Petitioner submitted that, the Petitioner, without prejudice to his rights and contentions, is ready to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) before the 1st Respondent and on such deposit being made, the 1st Respondent may be directed to release the vehicle.

4. Learned Special Government Pleader appearing for the Respondents has no serious objection to the Petitioner's request.

5. Admittedly, the Petitioner's vehicle was seized on the premise that, it was allegedly involved in the illegal transportation of PDS rice. Keeping the vehicle idle will no longer serve any purpose. Hence, this Court issues a direction to the Respondents to release the Petitioner's vehicle namely, EICHER HIDECK BODY MINI LORRY bearing Registration No.KA-51-AF-5138, subject to the following conditions:

(i) The Petitioner, without prejudice to his rights and contentions, shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) before the 1st Respondent within a period of two weeks from 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 by the Authority;

(iii) On being satisfied with the ownership of the vehicle and on receipt of payment as stated supra, the 1st Respondent shall release the subject vehicle, within a period of one week from the date of deposit;

(iv) The Petitioner shall not use the said vehicle for any unlawful purpose and shall not alienate the same during the pendency of the proceedings;



(v) It is open to the Respondents to initiate proceedings in accordance with law and pass appropriate orders on merits, as expeditiously as possible.

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The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To:

1. The District Revenue Officer,
Krishnagiri District,
Krishnagiri.
2. The Inspector of Police,
CSCID Police Station, Krishnagiri,
Krishnagiri District.

+1cc to Mr.C.S.Saravanan, Advocate, S.R.No.69659

+1cc to the Government Pleader, S.R.No.69559

W.P.No.26772 of 2021

SS (CO)
SU (05/05/2022)