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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.63 of 2022

Chithambarapandian

...Petitioner

Vs.

1. The District Revenue Officer,
Coimbatore,
Coimbatore District.
2. State rep. by its
The Inspector of Police,
Civil Supply - CID - Pollachi,
Coimbatore District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to release the Mahindra and Mahindra Limited (Bolero City Pik up 14 PS) bearing Registration No.TN-39-CQ-4507 seized by 2nd Respondent on 24.03.2021.

For Petitioner : Mr.W.Camyles Gandhi

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

O R D E R

Petitioner has come up with this Writ Petition seeking a direction to the 1st Respondent to release his Mahindra and Mahindra Limited (Bolero City Pick up 14 PS) bearing Registration No.TN-39-CQ-4507, forthwith, which was seized by the 2nd Respondent in Crime No.78 of 2021, on 24.03.2021 by considering his representation dated 20.12.2021.

2.The case of the Petitioner is that the Petitioner's vehicle namely, Mahindra and Mahindra Limited (Bolero City Pik up 14 PS) bearing Registration No.TN-39-CQ-4507, was seized by the 2nd respondent on 24.03.2021 on the allegation that, it was involved in illegal transportation of 1000 kgs of PDS rice. The



Petitioner made a representation to the Respondents on 20.12.2021 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.25,000/- (Rupees Twenty Five Thousand 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, Mahindra and Mahindra Limited (Bolero City Pick up 14 PS) bearing Registration No.TN-39-CQ-4507 subject to the following conditions:

(i) The Petitioner, without prejudice to his rights and contentions, shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand 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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6. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

skt

To:

1. The District Revenue Officer,
Coimbatore,
Coimbatore District.
2. The Inspector of Police,
Civil Supply - CID - Pollachi,
Coimbatore District.

+1cc to Mr.W.Camyles Gandhi, Advocate, S.R.No.1293

+1cc to the Government Pleader, S.R.No.2004

W.P.No.63 of 2022

SSV(CO)
RGA(27/01/2022)