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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.1922 of 2022

Peter Arul Dass

...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: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ or order of direction or any other Writ in the nature Writ of Mandamus directing the 1st respondent to release the APE Passenger Auto bearing Registration No.TN-38-CM-9921 seized by 2nd respondent on 19.12.2021 to the petitioner.

For Petitioner : Mr.Jayan
for
Mr.W.Comyles Gandhi

For Respondent : Mr.TNC Koushik, AGP

O R D E R

Read this order in conjunction with order dated 08.02.2022, which reads as under:

Mr.TNC.Koushik, learned Additional Government Pleader accepts notice for the respondents and seeks some time to obtain instructions and file a counter.

2. It is seen that the petitioner, who seeks a Writ of Mandamus directing the first respondent to release passenger auto bearing Registration No.TN 38 CM 9921 seized on 13.12.2021 while carrying PDS Rice, is a habitual offender. The



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same auto was seized for the same purpose and he had approached this Court in W.P.No.11713 of 2021.

3. By order dated 07.05.2021, a learned single Judge of this Court had directed the petitioner to deposit a sum of Rs.10,000/- upon condition of which the first respondent therein was directed to release the auto after verifying the ownership.

4. Let learned counsel for the respondents verify the quantum of PDS Rice that was carried on the earlier occasion.

5. List on 09.02.2022 within the first five matters after admission.

2. Mr.TNC Kaushik, learned Additional Government Pleader for the respondents confirms that the quantity covered under order dated 07.05.2021 was 1050 kgs. A copy of order passed in W.P.No.63 of 2022 dated 07.01.2022 is circulated wherein that petitioner has been directed to pay a fine of Rs.25,000/- in respect of illegal transportation of 1000 k.gs. of PDS rice, though he has not been found to be a habitual offender.

3. Bearing in mind the circumstances arising in this case, wherein the petitioner, despite having been visited with a fine less than a year of impounded by this Court for the same offence, the petitioner in this case is directed to remit fine of a sum of Rs.50,000/-.

4. Upon remittance of the amount, as aforesaid, R1 is directed to release the auto bearing registration no.TN-38-CM-9921. The request of the petitioner to deposit part of the fine imposed as a donation to a charitable institution is denied as the fine imposed is specific to the offence committed and it is only appropriate that the same goes, in entirety to the credit of the District Revenue Officer, Coimbatore.

5. This writ petition is disposed in the aforesaid terms. No costs.

Sd/-

Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

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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 SR.No.8185

+1cc to Government Pleader SR.No.9012

W.P.No.1922 of 2022

GMR (CO)
GMY (04/03/2022)