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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. No.3298 of 2022

Boopathi

...Petitioner

Vs.

1.The District Revenue Officer
District Collectorate
Krishnagiri District.
2.The Inspector of Police,
CSCID Police Station,
Krishnagiri District
(Crime No.181/2021)

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of mandamus, directing the respondents to release the petitioner's TATA sumoin bearing Registration No.AP39DF4077 forthwith which was seized by the 2nd respondent in crime No.181 of 2021 on 06.12.2021 keeping under the custody of 1st respondent by considering the petitioner's representation dated 05.01.2022.

For Petitioner : Mr.M.Jayachandran

For Respondents: Mrs.Geetha Thamaraiselvan
Special Government Pleader

O R D E R

Both learned counsel would submit that an identical issue had come up before this Court for consideration in W.P.No.1922 of 2022 and by order dated 09.02.2022, this Court passed the following order:

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



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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 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.

2. In view of the identity in facts and legal position between the two Writ Petitions, the aforesaid order is taken to be passed in this Writ Petition as well. The petitioner is directed to remit the fine of Rs.15,000/- to the credit of District Revenue Officer, Krishnagiri District. Upon receipt of



the amount, R1 is directed to release Tata Sumoin bearing Registration No.AP39DF-4077 to the petitioner.

3. The Writ Petition is dismissed. No costs.

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Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1.The District Revenue Officer
District Collectorate
Krishnagiri District.

2.The Inspector of Police,
CSCID Police Station,
Krishnagiri District

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Jayachandran, Advocate, S.R.No.11196

+1cc to the Government Pleader, S.R.No.11968

W.P. No.3298 of 2022

JP(CO)
SB(29/03/2022)