



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.2585 of 2022

Thangadurai

...Petitioner

Vs.

1.The District Revenue Officer,
Coimbatore, Coimbatore District

2.State Rep. by
The Inspector of Police,
Civil Supply-CID-Coimbatore

...Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of mandamus Directing the 1st respondent to release the Ashok Leyland Tarus bearing Registration No.TN- 69 - K- 7161 seized by 2nd respondent on 28/12/2021.

For Petitioner : Mr.W.Camyles Gandhi

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:

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.

WEB COPY

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.

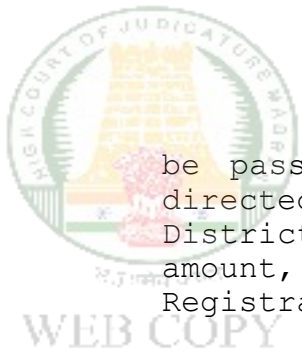
2. Mr.TNC Kaushik, learned Additional Government Pleader for the respondents confirms that the quantity covered under order dated 07.05.2021 was 1050 kgs. A copy of order passed in W.P.No.63 of 2022 dated 07.01.2022 is circulated wherein that petitioner has been directed to pay a fine of Rs.25,000/- 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 a fine of Rs.50,000/- to the credit of District Revenue Officer, Coimbatore. Upon receipt of the amount, R1 is directed to release Ashok Leyland Tarus bearing Registration No.TN-69-K-7161 to the petitioner.

3. The fine is fixed on the submission of the petitioner to the effect that this is the first offence. The lorry was merely hired out by the accused who had carried the PDS rice and that the lorry owner, who is unrelated to the team, is also not arrayed as an accused in the FIR. These submissions are recorded.

4. Let the investigation reveal that any of the aforesaid submissions are not factually correct pleadings. The parties will take proper action to amend the FIR and include the petitioner as well, as an accused therein.

5. The Writ Petition is dismissed. No costs.

Sd/-
Deputy Registrar(CS)

//True copy//

Sub Assistant Registrar

ska

To

1.The District Revenue Officer,
Coimbatore, Coimbatore District

2.State Rep. by
The Inspector of Police,
Civil Supply-CID-Coimbatore

+1cc to Mr.W.Camyles Gandhi, Advocate SR.No.9448

+1cc to Government Pleader SR.No.10299

W.P.Nos.2585 of 2022

MT(CO)
GMY(31/03/2022)