



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.01.2022
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7145 of 2021

Mushdhba

... Petitioner

Vs.

1.The District Revenue Officer,
Namakkal,
Namakkal District.

2.The Inspector of Police,
Civil Supply Crime Investigation Department,
(CSCID),
Namakkal.
(FIR No.98/2019)

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 12.02.2021 and consequently direct the first respondent to release of the petitioner's vehicle Maruti Omni bearing Registration No.TN 88 X 5602.

For Petitioner : Mr.G.Anbuechezheian

For Respondents : Mr.P.Gurunathan

Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 12.02.2021 and to consequently direct the first respondent to release the petitioner's vehicle Maruti Omni bearing Registration No.TN 88 X 5602.

2.The case of the petitioner is that the petitioner's vehicle namely, Maruti Omni bearing Registration No.TN 88 X 5602 was seized by the second respondent on 07.12.2019 on the allegation that it was involved in illegal transportation of PDS rice. The petitioner made representation to the first respondent seeking to release his vehicle and since the same has not yet been considered, the petitioner has filed this writ petition.



3.The learned counsel appearing for the petitioner would submit that the petitioner, without prejudice to his rights and contentions, is ready to deposit a sum of Rs.1 Lakh before the first respondent and on such deposit being made, the first respondent may be directed to release the vehicle.

4.The learned Additional Government Pleader appearing for the respondents raise no serious objection.

5.Admittedly, the petitioner's vehicle was seized on the premise that it was allegedly involved in illegal transportation of PDS rice. Keeping the vehicle idle will no longer serve any purpose. Hence, this Court issues direction to release the petitioner's vehicle namely, Maruti Omni bearing Registration No.TN 88 X 5602, on the following conditions:

(i)The petitioner, without prejudice to his rights and contentions shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) before the first 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 of the Authority;

(iii)On receipt of payment as stated supra and also on being satisfied with the ownership of the vehicle, the first 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 also shall not alienate the same during the pendency of the proceedings;

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

6.The writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The District Revenue Officer,
Namakkal,
Namakkal District.

2.The Inspector of Police,
Civil Supply Crime Investigation Department,
(CSCID),
Namakkal.

+1 cc to Government Pleader Sr.NO. 3687

W.P.No.7145 of 2021

AD(CO)
A.SK(01.02.2022)