



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.05.2022

CORAM :

THE HON'BLE MR. JUSTICE R. MAHADEVAN

W.P.No.12096 of 2022

P.Sekar

..Petitioner

Vs

1. The District Revenue Officer,
Krishnagiri, Krishnagiri District.

2. The Inspector of Police,
Civil Supplies CID, Krishnagiri,
Krishnagiri District.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the first respondent to release the Tata 407 Tempo bearing Registration No. TN-47-F-9589 seized by the second respondent on 10.03.2022 to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondents : Mrs.Raja Rajeswari
Government Advocate

ORDER

The present writ petition has been filed seeking a direction to the first respondent to release the Tata 407 Tempo bearing Registration No. TN-47-F-9589 seized by the second respondent on 10.03.2022 to the petitioner.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. It is seen from the records that the subject vehicle was



seized by the second respondent on 10.03.2022 alleging that the said vehicle was indulged in transporting rice illegally. Therefore, this Court, at this stage, is not expressing any view on the contentions raised on the side of the petitioner against the allegation made, as it is for the Adjudicating Authority to consider and decide. However, considering the fact that the vehicle was seized as early as on 10.03.2022 and the same is kept idle thereby exposing it to sun and rain, which undoubtedly would diminish its value, this Court is of the view that the following order will protect the interest of both parties:

(a) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty five thousand only) before the first respondent within a period of two weeks from the date of receipt of a copy of this order.

(b) The petitioner shall appear in person and produce all the relevant documents proving the ownership of the vehicle for verification of the authority.

(c) 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 forthwith.

(d) 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.

(e) It is open to the respondents to initiate proceedings in accordance with law and pass appropriate orders on merits, within a period of three months from the date of receipt of a copy of this order.

(f) If no such order is passed within the time stipulated therein, the amount so paid by the petitioner shall be refunded to him.

(g) This order for release of the vehicle can be availed of by the petitioner, if the vehicle is not in the custody of criminal Court. If the vehicle is in the custody of the criminal Court, it is open to the petitioner to approach the jurisdictional Magistrate to get release of the vehicle by filing appropriate application and the same can be considered in accordance with law.



4. This Writ Petition is disposed of with the above directions. No costs.

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Sd/-
Assistant Registrar (Vacation Officer)

//True Copy//

Sub Assistant Registrar

hvk/dm

To

1. The District Revenue Officer,
Krishnagiri, Krishnagiri District.
2. The Inspector of Police,
Civil Supplies CID, Krishnagiri,
Krishnagiri District.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.31158

+1cc to the Government Pleader, S.R.No.31322

W.P.No.12096 of 2022

JPL (CO)
SU(18/05/2022)