



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.05.2022

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P.No.12212 of 2022

Chinnappa @ Kannan

... Petitioner

Vs.

1. The District Revenue Officer,
Coimbatore District,
Coimbatore.

2. The Inspector of Police,
Civil Supplies C.I.D.,
Coimbatore.

... Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India to issue a WRIT OF MANDAMUS or any other Writ or order or direction in the nature of Writ, directing the first respondent to release the EICHER 11 10 Vehicle bearing registration No.TN-32-H-2992 seized by the second respondent on 23.01.2022 and consequently thereby direct the 1st respondent herein to consider the petitioner representation dated 01.04.2022 in accordance with law.

For Petitioner : Mr.E.Kannadasan

For Respondents : Mrs.Anitha
Special Government Pleader

O R D E R

The writ petition has been filed for issuance of a Writ of Mandamus directing the 1st respondent to release the petitioner's vehicle, viz., EICHER 11 10, bearing Registration No.TN-32-H-2992, seized by the 2nd respondent on 23.01.2022, by considering the representation of the petitioner, dated 01.04.2022.

2.Heard learned counsel for the petitioner and learned Special Government Pleader for the respondents.



3. It is seen from the records that the subject vehicle was seized by the 2nd respondent on 23.01.2022 on the allegation that the said vehicle indulged in transporting 200 bags each containing 50 kg of PDS Rice, without any valid licence. The correctness of such dispute cannot be examined by this Court, as it is for the Adjudicating Authority to consider and decide. However, considering the fact that the vehicle was seized as early as on 23.01.2022 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 the petitioner.

(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 direction. No costs.

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Sd/-
VACATION OFFICER

//True Copy//

Sub Assistant Registrar

mkn/ab

To

1. The District Revenue Officer,
Coimbatore District,
Coimbatore.
2. The Inspector of Police,
Civil Supplies C.I.D.,
Coimbatore.

+1cc to Mr.E.Kannadasan, Advocate, S.R.No.31211
+1cc to the Government Pleader, S.R.No.31269

W.P.No.12212 of 2022

GP(CO)
CT 19/05/2022