



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.05.2022

CORAM:

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P.NO.12464 OF 2022

A.Inbaraj

...Petitioner

Vs.

1.The District Revenue Officer,
District Revenue Office,
Tiruppur.

2.State Rep. by Inspector of Police,
CSCID, Chennai District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to release the petitioner's vehicle viz., Honda WR-V car bearing Registration No.TN 42 AE 3738, which was seized by the second respondent on 08.02.2021, consider the representation dated 29.04.2022.

For Petitioner : Mr.J.Franklin

For Respondents : Mr.E.Sundaram,
Government Advocate

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus to direct the respondents to release the petitioner's vehicle viz., Honda WR-V car bearing Registration No.TN 42 AE 3738, which was seized by the second respondent on 08.02.2021 by considering the representation dated 29.04.2022.

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

3. The petitioner is figuring as an accused in Crime No.6 of 2021, registered on the file of Tiruppur Police Station, CSCID, Chennai District for the offences under Section 17 of TN Kerosene (Regulation of Trade) Order, 1973 and under Section 7 (1)(a)(ii) of Essential Commodities Act, 1955. The petitioner's vehicle has also been seized and the seizure has taken place way



back in February 2021. The confiscation proceedings are yet to be initiated.

4. The Hon'ble Supreme Court of India, in more than one case, has held that detaining vehicles does not serve any purpose and being exposed to rain and sunlight, the vehicles would lose their value. Therefore, I direct the first respondent viz., the District Revenue Officer (DRO) to return the petition mentioned vehicle to the petitioner. Further, the following directions will protect the interest of both parties.

(a) The petitioner shall deposit a sum of Rs.5,000/- (Rupees 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 first respondent 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.

5. This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar
(Vacation Officer)

//True Copy//

Sub Assistant Registrar

gsk



To

1.The District Revenue Officer,
District Revenue Office,
Tiruppur.

2.The Inspector of Police,
CSCID, Chennai District.

+lcc to M/s.J.Franklin, Advocate Sr.No.31362

W.P.No.12464 of 2022

SSN(CO)
RVM(16/05/2022)