



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.06.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.14657 of 2022

Shanthi

..Petitioner

-Vs-

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

2. State rep. by its
The Inspector of Police,
Civil-Supply- Pollachi,
Coimbatore District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to release the petitioner's Auto bearing Registration No.TN-37-DC-4795 seized by the 2nd respondent on 10.10.2019 based on the petitioner's representation dated 31.05.2022.

For Petitioner : Mr.Camyles Gandhi
For Respondents : Mr.S.J.Mohammed Sathik,
Government Advocate for R1
Mr.R.Murthi,
Government Advocate(Crl.side) for R2

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the 1st respondent to release the petitioner's Auto bearing Registration No.TN-37-DC-4795 seized by the 2nd respondent on 10.10.2019 for the offence committed by the petitioner's husband under the Essential Commodities Act.

2. A charge sheet was filed by the Police and a Calendar Case No.2478/2019 was pending on the file of the learned Judicial Magistrate IV, Coimbatore. Final orders have now been passed in C.C.No.2478/2019 by the learned Judicial Magistrate IV, Coimbatore on 18.03.2022 and in terms of the final order, fine amount has already been paid by the petitioner. As on date, no proceedings are pending under the Essential Commodities Act against the petitioner. No useful



purpose will be served if the subject vehicle is allowed to be retained by the respondents. If it is allowed to be retained, it will become a wreck as it has to face the vagaries of nature including the hot sun. Similar directions have been issued by this Court earlier and one such direction has been enclosed by the petitioner in this writ petition which is the order dated 07.05.2021 passed in W.P.No.11713 of 2021. This Court is of the considered view that a similar direction can also be issued in favour of the petitioner.

3. Accordingly, this Court directs the 1st respondent to release the petitioner's vehicle in the following manner.

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

(b) On being satisfied with the ownership of the vehicle, the 1st respondent shall release the same forthwith.

4. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vsi

To

1.The Judicial Magistrate IV,Coimbatore.

2.The District Revenue Officer,
Coimbatore,
Coimbatore District.

3. The Inspector of Police,
Civil-Supply- Pollachi,
Coimbatore District.

+1 cc to Mr.Camyles Gandhi, Advocate Sr.NO. 34795

+1 cc to Government Pleader Sr.NO. 35337

W.P.No.14657 of 2022

PMK (CO)

A.SK(28/06/2022)