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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.28275 of 2021

P. Thiyagarajan

...Petitioner

vs.

1.The District Revenue Officer,
Collectorate,
Namakkal District,
Namakkal-637 003.

2.Inspector of Police,
Civil Supply C.I.D,
Namakkal District.

...Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, is issue a Writ of Mandamus, directing the 2nd respondent to release the Lorry bearing No.TN01 AT 4223 which has been seized by the 2nd respondent.

For Petitioner : Mr.R. Vijaraghaven

For Respondents 1 & 2 : Mr. P.Gururnathan,
Additional Government Pleader

ORDER

The petitioner has filed this petition seeking issuance of a Writ of Mandamus directing the respondents 3 & 4 to dispose of the petitioner's Online Application dated 13.08.2021 within the time frame fixed by this Court.

2. Mr. P. Gurunathan, Additional Government Pleader takes notice to the respondents 1 & 2.

3. The case of the petitioner is that the petitioner's lorry bearing No.TN01 AT 4223 was seized on 01.08.2021 by the 2nd respondent herein on the ground that there was 1000 Litres of adulterated diesel and the vehicle was produced before the



Judicial Magistrate No.I, Namakkal on 12.08.2021 in C.P.No.20 of 2021. When the petitioner approached the Magistrate No.I, Namakkal for release of the vehicle, the petitioner was asked to approach the 1st respondent herein as the Court has no jurisdiction to pass an order for interim custody. Left with no other remedy, the petitioner has filed the present Writ Petition seeking for release of the vehicle bearing No.TN01 AT 4223 which was seized by the 2nd respondent herein.

4. Learned counsel for the Petitioner submitted that, the Petitioner, without prejudice to his rights and contentions, is ready to deposit a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) before the 1st Respondent and on such deposit being made, the 1st Respondent may be directed to release the vehicle.

5. Learned Additional Government Pleader appearing for the Respondents has no serious objection to the Petitioner's request.

6 . Admittedly, the Petitioner's vehicle was seized on the premise that, it was allegedly found in possession of 1000 Litres of adulterated diesel. Keeping the vehicle idle will no longer serve any purpose. Hence, this Court issues a direction to the 2nd respondent to release the Petitioner's vehicle bearing Registration No.TN01 AT 4223, subject to the following conditions:

(i) The Petitioner, without prejudice to his rights and contentions, shall deposit a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) before the 1st 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 by the Authority;

(iii) On being satisfied with the ownership of the vehicle and on receipt of payment as stated supra, the 1st 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 shall not alienate the same during the pendency of the proceedings;

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



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7. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

NHS

To

1.The District Revenue Officer,
Collectorate,
Namakkal District,
Namakkal-637 003.

2.Inspector of Police,
Civil Supply C.I.D,
Namakkal District.

+1cc to Mr.R.Vijaya Raghavan, Advocate SR. No.255
+1cc to Government Pleader SR. No.676

W.P.No.28275 of 2021

RSI (CO)
PR (28/01/2022)