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W.P.No.29064 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.29064 of 2022

Ramamoorthy .. Petitioner

vs

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

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

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to return the TATA BENZ lorry bearing registration TN-34-L-1245 seized by the second respondent on 04.02.2022 to the petitioner herein.

For Petitioner : Mr.E.Kannadasan

For Respondents : Mr.R.Kumaravel
Additional Government Pleader
for respondent 1

Mr.L.S.M.Hasan Fizal
Additional Government Pleader
for respondent 2



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ORDER

The prayer sought for herein is a Writ of Mandamus, directing the first respondent to return the TATA BENZ lorry bearing Registration No. TN-34-L-1245, seized by the second respondent on 04.02.2022, to the petitioner herein.

2. The petitioner's vehicle, viz., the TATA BENZ lorry, with the Registration No. TN-34-L-1245, was seized by the second respondent Police for the alleged transportation of PDS rice to the extent of 22,000 kgs. Thereafter, a case was registered and investigation is pending at the hands of the second respondent.

3. However, for all these months, from 04.02.2022 till date, the vehicle in question has been stationed in an open ground, exposed to the sunlight and rain, by thus, the value of the vehicle is getting diminished and it is vulnerable as the parts of the vehicle could be stolen. Therefore, in order to release the vehicle, as a considerable part of the investigation by this time would have been over, the petitioner has moved the present writ petition with the aforesaid prayer.



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4. Reiterating the aforesaid, Mr.E.Kannadasan, learned counsel appearing for the petitioner would submit that whatever the conditions being imposed by this Court for release of the vehicle, the petitioner would abide to that and he would comply with the same.

5. Heard Mr.R.Kumaravel, learned Additional Government Pleader appearing for the first respondent, who would submit that since 22,000 kgs of PDS rice was transported, the vehicle was seized and the investigation is going on. Therefore, at this juncture, if the vehicle is released, the petitioner may tamper the vehicle or he may transfer the vehicle to any third party's name, by which, further completion of the investigation would be hampered. Therefore, learned Additional Government Pleader opposed the move of releasing the vehicle.

6. I have considered the said submissions made by both side learned counsel and have perused the materials placed before this Court.

7. As the vehicle was seized some time in February, 2022, by this time investigation would have been progressed considerably. Be that as it may. Insofar as the vehicle is concerned, since it is a motor vehicle and has been exposed to



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sunlight and rain, without any proper security for months together, certainly it would be vulnerable, as its value would get diminished and its spare parts may get stolen. Instead of keeping the vehicle further in that stage, this Court feels that it can be released by imposing certain conditions, as these kinds of orders have already been passed in a number of cases of this nature.

8. Accordingly, this Court is inclined to dispose of this writ petition with the following orders:

(i) That there shall be a direction to the respondent to release the vehicle No. TN-34-L-1245, seized on 04.02.2022 at the following conditions:

(a) That the petitioner shall deposit a sum of Rs.25,000/- at the respondents and also the petitioner shall not transfer the vehicle to any third party and in this regard, whenever the vehicle is required by the second respondent for investigation purpose, the same shall be produced without fail. The spare parts of the vehicle shall be kept intact and no modification to such spare parts shall be undertaken by the petitioner under any circumstances.



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9. With these conditions, the vehicle in question can be released.

Accordingly, the writ petition is disposed of. There will be no order as to costs.

01.12.2022

Index: Yes/No

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To

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R. SURESH KUMAR, J.

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