



W.P.No.9411 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

CORAM
THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.9411 of 2023

K.Sivaraman

...Petitioner

Vs.

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

2. The Inspector of Police,
Civil Supplies CID,
Tiruppur, Tiruppur District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to release the Ashok Leyland Dosth bearing Registration No.TN-41-AE-3152 seized by the 2nd respondent on 12.08.2022 to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.M.Alagu Goutham, GA

ORDER

This Writ petition has been filed seeking direction to the 1st respondent to release the petitioner's vehicle, which was seized by the 2nd



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respondent on 12.08.2022.

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2. Mr.M.Alagu Goutham, learned Government Advocate takes notice for the respondents. In view of the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that he claims to be the owner of the Ashok Leyland Dosth bearing Registration No.TN-41-AE-3152 and the same was entrusted with his driver for driving only for lawful purposes. While so, on 12.08.2022, the said vehicle was engaged by the trader for transportation of 65 bags of rice each weighing about 50 kgs, from Palani to Dharapuram. On its way, the 2nd respondent seized the said Ashok Leyland Dosth and the goods, despite the fact that the petitioner's driver produced the entire documents to show that the said goods were transported under cover of valid bill and foisted a false case. Immediately, the petitioner made a representation dated 23.02.2023 before the 1st respondent, seeking to release his vehicle, which evoked no response. Hence, this Writ petition.

4. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to



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the 1st respondent to consider the petitioner's representation dated 23.02.2023, and consequently release the Ashok Leyland Dosth bearing Registration No.TN-41-AE-3152 seized by the 2nd respondent on 12.08.2022, to the petitioner as expeditiously as possible.

5. Learned Government Advocate appearing for the respondents submitted that, after seizing the above said Ashok Leyland Dosth bearing Registration No.TN-41-AE-3152, the law enforcing agency registered the case in Crime No.163 of 2022 and the petitioner's vehicle was handed over the 1st respondent, who in turn issued 6B notice to the petitioner, vide proceedings bearing No.Na.Ka.12189/2022/K4 dated 07.10.2022 and passed further orders, vide proceedings bearing No.Na.Ka.12189/2022/K4, dated 12.11.2022.

6. Heard learned counsel on either side and perused the materials placed on record.

7. A perusal of the material documents, particularly the order dated 12.11.2022 passed by the 1st respondent reveal that, pursuant to issuance of the 6B notice, the accused persons appeared before the 1st respondent and



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accepted the alleged offence/crime committed and thereby, the 1st respondent imposed a fine of Rs.2,10,000/- on the accused persons and ordered for release of vehicle only after payment of the above said fine amount. While such being the legal position, without complying with the above said order, the petitioner made a representation dated 23.02.2023 before the 1st respondent, seeking release of the vehicle, without paying the fine amount, which is not sustainable.

8. Hence, this Court is of the view that, the 1st respondent, after careful consideration of the facts, has rightly passed the above said order dated 12.11.2022 and accordingly, no further adjudication is required in this Writ petition. However, the petitioner is at liberty to prefer appropriate appeal before the competent appellate authority and work out the remedy in the manner known to law. The period during which this petition was pending before this Court shall stand excluded for the purpose of computation of the period for preferring the appeal.

9. For the reasons aforesaid, this Writ petition stands dismissed. No costs.



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NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No



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(1/2)

M.DHANDAPANI., J.

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To

1. The District Revenue Officer,
Tiruppur, Tiruppur District.
2. The Inspector of Police,
Civil Supplies CID,
Tiruppur, Tiruppur District.

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