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W.P.No.15807 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.15807 of 2023

Arulmani

... Petitioner

Vs.

1.The District Revenue Officer,
Salem District,
Salem.

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

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to release the Lorry bearing Registration No.TN-41-AM-8030 seized by the second respondent on 18.02.2021 to the petitioner.

For Petitioner : Mr.C.Prakasam
For Respondents : Mrs.N.Senthil Selvi
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of



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Writ of Mandamus directing the first respondent to release the Lorry bearing Registration No.TN-41-AM-8030 seized by the second respondent on 18.02.2021 to the petitioner.

2.The case of the petitioner is that the petitioner purchased Ashok Leyland Lorry bearing Registration No.TN-41-AM-8030 in the year 2020. There was a case registered as against the petitioner's vendor that the petitioner's vendor was involved in illegal transportation of PDS rice in the year 2017, however, the vehicle was seized by the second respondent on 18.02.2021, after the petitioner purchased the vehicle on the allegation that it was involved in illegal transportation of PDS rice. The petitioner made representation to the first respondent seeking to release his vehicle and since the same has not yet been considered, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner would submit that the seized vehicle is now being kept in open place and due to exposure of sun and rain and the vagaries of nature, the vehicle will lose its value and may, ultimately become a wreck and worthless and further submitted that the petitioner, without prejudice to his rights



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and contentions, is ready to deposit a sum of Rs.25,000/- before the first respondent and on such deposit being made, the first respondent may be directed to release the vehicle.

4.The learned Government Advocate appearing for the respondents raise no serious objection.

5.Admittedly, the petitioner's vehicle was seized on the premise that it was allegedly involved in illegal transportation of PDS rice. Keeping the vehicle idle will no longer serve any purpose. Hence, this Court issues direction to release the petitioner's vehicle namely, Ashok Leyland Lorry bearing Registration No.TN-41-AM-8030, on the following conditions:

(i)The petitioner, without prejudice to his rights and contentions shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) before the first respondent within a period of two weeks from the date of receipt of a copy of this order;

(ii)The petitioner shall give an unconditional undertaking to the first respondent that he shall not alienate or encumber the vehicle in



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question without permission of the jurisdictional Magistrate till the completion of the confiscation proceedings;

(iii)The petitioner shall not change the colour and scheme of the vehicle;

(iv)The petitioner shall not use the vehicle for any illegal activities;

(v)Before releasing the vehicle, the Police Authority shall take photographs of the vehicle at the cost of the petitioner;

(vi)The petitioner shall produce all xerox copies of the documents pertaining to the ownership of the seized vehicle to the first respondent;

(vii)As and when the respondents call for the vehicle for enquiry, the petitioner has to produce the vehicle in question and he shall cooperate with the enquiry to be conducted by the respondents.

6.Upon completion of the above mentioned formalities, the second respondent shall release the petitioner's vehicle namely, Ashok Leyland Lorry bearing Registration No.TN-41-AM-8030 to the petitioner forthwith without any delay. If the undertaking given by the petitioner is breached, the petitioner will not be entitled to



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interim release of the

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vehicle in future. As far as confiscation proceedings initiated against the seized vehicle is concerned, the same can go on without any interference.

7.The writ petition is disposed of with the above directions. No costs.

13.06.2023

pri

Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

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



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M.DHANDAPANI,J.
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