



WEB COPY



W.P.No.17851 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.17851 of 2023

Guntamadugu Kavitha

... Petitioner

Vs.

1.The District Revenue Officer,
District Collector office,
Thiruvallur,
Thiruvallur District.

2.State rep. by
The Sub Inspector of Police,
CSCID Thiruvallur Police Station,
Thiruvallur District.
(Crime No.264 of 2022)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent herein to release the vehicle namely Ashok Leyland Tarrus Lorry in bearing Registration No.AP-26-TF-2679 to the petitioner.

For Petitioner : Mr.R.Sasikumar

For Respondents : Mr.E.Veda Bagath Singh
Special Government Pleader



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ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the first respondent herein to release the vehicle namely Ashok Leyland Tarrus Lorry in bearing Registration No.AP-26-TF-2679 to the petitioner.

2. Mr.E.Veda Bagath Singh, learned Special Government Pleader, 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. It is the case of the petitioner that, her vehicle namely ASHOK LEYLAND TARRUS LORRY bearing registration No.AP-26-TF-2679 was seized by the second respondent on allegation that it was involved in illegal transportation of 36 bags of PDS rice. While so, the petitioner made a representation dated 21.04.2023, before the respondents 1 and 2 to return and release the above said vehicle. Since the same was not considered, the present writ petition has been filed before this Court.



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4. Learned counsel for the petitioner submitted that the petitioner, without prejudice to her rights and contentions, is ready to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) before the first respondent and on such deposit being made, the first respondent may be directed to release the vehicle.

5. On the above said contentions, heard the learned Special Government Pleader appearing for the respondents and perused the materials placed on record.

6. Admittedly, the Petitioner's vehicle was seized on the premise that, it was allegedly involved in the illegal transportation of PDS rice. Keeping the vehicle idle will no longer serve any purpose. **Hence, this Court issues a direction to the Respondents to release the Petitioner's vehicle namely, ASHOK LEYLAND TARRUS LORRY bearing registration No.AP-26-TF-2679** subject to the following conditions:

(i) The Petitioner, without prejudice to her rights and contentions, shall deposit a sum of **Rs.2,00,000/- (Rupees Two Lakhs only)**



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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 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 first 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.

16.06.2023

(1/3)

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

sp

To

1.The District Revenue Officer,
District Collector office,
Thiruvallur,
Thiruvallur District.

2.The Sub Inspector of Police,
CSCID Thiruvallur Police Station,
Thiruvallur District.



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M.DHANDAPANI, J.

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