



W.P.No.26099 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.26099 of 2022

and

W.M.P.No.10028 of 2023

Dhanalakshmi

... Petitioner

Vs.

1.The District Revenue Officer,
Office of the District Collector,
Coimbatore District.

2.The Inspector of Police,
CSCID,
Coimbatore,
Coimbatore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to release the petitioner's Piaggio Ape Auto bearing registration No.TN-38-CP-3283 which was seized by the second respondent on 22.03.2022 by consider the petitioner's representation dated 20.09.2022.

For Petitioner : Mr.A.Sathishkumar

For Respondents : Mr.K.M.D.Muhilan
Additional 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 to release the petitioner's Piaggio Ape Auto bearing registration No.TN-38-CP-3283 which was seized by the second respondent on 22.03.2022 by consider the petitioner's representation dated 20.09.2022.

2. Though the petitioner filed W.M.P.No.10023 of 2023 seeking to fix an early date for hearing of the present writ petition, she is consented for the disposal of the main writ petition itself.

3. It is the case of the petitioner that her vehicle namely PIAGGIO APE AUTO bearing registration No.TN-38-CP-3283 was seized by the second respondent on allegation that it was involved in illegal transportation of 5100 Kgs of PDS rice. While so, the petitioner made a representation dated 23.04.2021, before the first respondent to return and release the above said vehicle. Since the same was not considered the present writ petition has been filed.

4. Learned counsel for the petitioner submitted that the petitioner, without prejudice to her rights and contentions, is ready to



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deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) before the 1st respondent and on such deposit being made, the 1st respondent may be directed to release the vehicle.

5. On the above said contentions heard the learned counsel appearing for the official 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, PIAGGIO APE AUTO bearing registration No.TN-38-CP-3283** subject to the following conditions:

(i) The Petitioner, without prejudice to her rights and contentions, shall deposit a sum of **Rs.1,00,000/- (Rupees One Lakh 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



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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.

The Writ Petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

12.04.2023

Index : Yes / No

Speaking order / Non speaking order

Neutral Citation Case : Yes / No

(rap)



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To
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Office of the District Collector,
Coimbatore District.
- 2.The Inspector of Police,
CSCID,
Coimbatore,
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M.DHANDAPANI, J.

(rap)

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