



W.M.P.No.29967 of 2023 in W.P.No.17122 of 2020

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S.M.SUBRAMANIAM, J.

As per the order of this Court dated 04.12.2020, the petitioner on an earlier occasion undertook that he would pay the fine amount, as determined by the respondent for release of his lorry. The Writ Petition was disposed of by passing the following order:-

3. It is stated that the above vehicle was seized by the Inspector of Police, CSCID – Vellore Police Station on 04.11.2019 on the allegation that the said vehicle was indulged in transporting PDS rice illegally. Therefore, this Court, at this stage, is not expressing any view on the contentions made by the petitioner against the allegations made, as it is for the Adjudicating Authority to consider and decide. However, considering the fact that the vehicle was seized as early as on 04.11.2019 and the same is kept idle thereby exposing it to sun and rain, which undoubtedly would diminish its value, this Court is of



the view that the following order will protect the interest of both parties:

a) The petitioner shall deposit a sum of Rs.30,000/- (Rupees Thirty thousand only) before the first respondent within a period of two weeks from the date of receipt of a copy of this order.

b) The petitioner shall appear in person and produce all the relevant documents proving the ownership of the vehicle for verification of the authority in proof of such ownership.

(c) On receipt of payment as stated supra and also on being satisfied with the ownership of the vehicle, the first respondent shall release the same forthwith.

(d) The petitioner shall not use the said vehicle for any unlawful purpose and also shall not alienate the same during the pendency of the proceedings.

(e) It is open to the first respondent to initiate proceedings and pass appropriate orders on merits



and in accordance with law within a period of three months from the date of receipt of a copy of this order.

(f) If no such order is passed within the time stipulated therein, the amount so paid by the petitioner shall be refunded to the petitioner.

(g) This order for release of the vehicle can be availed of by the petitioner, if the vehicle is not in the custody of criminal Court. If the vehicle is in the custody of the criminal Court, it is open to the petitioner to approach the jurisdictional Magistrate to get release of the vehicle by filing appropriate application and the same can be considered in accordance with law.”

2. Though the final order in the Writ Petition was passed on 04.12.2020, the petitioner could not be able to pay the fine amount as fixed by the authorities, i.e., Rs.4,00,000/- for the purpose of release of his vehicle. The learned counsel for the petitioner would submit that the vehicle is being damaged on account of idle parking



for more than 3½ years. The petitioner purchased the lorry by obtaining loan from the Bank and therefore, he is unable to repay the loan amount and he is incurring financial loss.

3. Section 6(a)(ii) of the Essential Commodities Act, 1955 states that the market price at the date of seizure of the vehicle is to be determined for the purpose of imposing fine. In the present case, the authorities fixed the market value as Rs.4,00,000/- for release of his vehicle. In the First Information Report, the value of the seized vehicle was mentioned as Rs.5,00,000/-.

4. Considering the fact that the vehicle is lying idle for more than 3½ years and further considering the fact that the vehicle purchased by the petitioner by obtaining loan from the bank, this Court is inclined to reduce the fine amount from Rs.4,00,000/- to Rs.2,00,000/-, which need not be followed as a precedent in all other cases. The fine amount is reduced by exercising the powers of discretion and considering the mitigating circumstances, as expressed by the petitioner.



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5. Therefore, the respondents are directed to accept the fine amount of Rs.2,00,000/- from the petitioner and accordingly, release the vehicle TATA 1109 lorry bearing Registration No. KA-53-D-6405 and permit the petitioner to use the vehicle. The petitioner is permitted to pay the fine amount of Rs.2,00,000/- within a period of 15 days from the date of receipt of a copy of this order.

6. With these directions, the Writ Miscellaneous Petition stands disposed of.

No costs.

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