



W.P.No.29890 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2024

CORAM

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

W.P.No.29890 of 2024

V.Chiranjeevi

...Petitioner

Vs.

The District Revenue Officer,
Thiruvallur District,
Thiruvallur.

...Respondent

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to release petitioner vehicle Ashok Leyland Lorry bearing registration No.TN25X0616.

For Petitioner : Mr.D.Rajagopal

For Respondent : Mr.V.Selvendran, Spl.GP

ORDER

This Writ petition has been filed by the petitioner seeking direction to the respondent to release petitioner's Ashok Leyland Lorry bearing registration No.TN25X0616.



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2. The case of the petitioner is that, he is running a Transport business for the past 25 years without any adverse remarks. In the year 2016, the petitioner purchased the subject vehicle bearing registration No.TN-25-X-0616 and after the purchase, the documents were also transferred to his name. Further, the petitioner entered into an agreement with Tiruthani Agricultural Producers Co-operative Marketing Society U334 for transport of Public Distribution System (in short 'PDS') products from Civil Supplies Godown, Tiruthani to all ration shops daily. On 14.03.2024, the petitioner engaged one Settu as driver, who took the subject vehicle to load PDS rice, wheat etc., from godown and to unload the same in various ration shops, as per the above said contract and during his return, the vehicle was intercepted by the Civil supplies CID Police and the same was seized alleging that, the vehicle was involved in illegal transportation of 350 Kgs of PDS rice and subsequently, a case in Cr.No.104 of 024 came to be registered against the said Settu. However, no notice was issued to the petitioner, pursuant to the seizure of the petitioner's vehicle. Thereby, the petitioner approached the respondent for release of the above said vehicle, however, the petitioner was orally directed to pay a sum of Rs.2,77,000/- as fine. Thereafter, the petitioner also made a representation dated 28.09.2024 before the



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respondent seeking to release the petitioner's vehicle, which evoked no response. Hence, this Writ petition.

3. Learned counsel for the petitioner submitted that the petitioner entrusted the vehicle to his driver for transport of PDS products as per the contract entered into with the said Tiruthani Agricultural Producers Co-operative Marketing Society U334, which was misused by the petitioner's driver and for the offence committed by the said Settu, the petitioner cannot be made liable and 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. Learned counsel further submitted that the petitioner, without prejudice to his rights and contentions, is ready to deposit a sum of Rs.50,000/- before the respondent and on such deposit being made, the respondent may be directed to release the vehicle.

4. On the above said contentions, heard the learned Special Government Pleader appearing on behalf of the respondent and perused the materials placed on record.



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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 vehicle of the petitioner namely, Ashok Leyland Lorry bearing registration No.TN-25-X-0616, on the following conditions:

(i) The petitioner, without prejudice to his rights and contentions shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) before the 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 respondent that he shall not alienate or encumber the vehicle in 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



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the respondent;

(vii) As and when the respondent 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 respondent.

6. Upon completion of the above mentioned formalities (i) to (vi), the respondent shall release the vehicle of the petitioner namely, Ashok Leyland Lorry bearing registration No.TN-25-X-0616 to the petitioner forthwith without any delay. If the undertaking given by the petitioner is breached, the petitioner will not be entitled to interim release of the vehicle in future.

7. With the above directions, this Writ petition stands disposed of. No costs.

04.10.2024

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Speaking Order : Yes/No

Index : Yes/No

NCC : Yes/No

Note to office: Issue order copy on 23.10.2024.

To

The District Revenue Officer,
Thiruvallur District, Thiruvallur.

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