
(2011) 04 CHH CK 0058
In the Chhattisgarh High Court
Case No : Writ Petition (C) No. 1536 of 2011

Awdheswar Prasad

APPELLANT

Vs

State of C.G. and Another

RESPONDENT

Date of Decision : 26-04-2011

Acts Referred:

Citation : (2012) 1 CGLJ 266

Hon'ble Judges : Manindra Mohan Shrivastava, J

Bench : Division Bench

Advocate : Renu Kochar, for the Appellant; Shashank Thakur, Panel Lawyer, for the Respondent

Judgement

Hon"ble Shri Manindra Mohan Shrivastava, J.—Heard. By this petition, the petitioner has challenged the correctness and validity of order dated 08-03-2011 (Annexure P-2) in so far as the Collector has imposed a condition of depositing F.D.R. of Rs. 2,47,061/- while directing release of the vehicle in favour of the petitioner.

2. Learned counsel for the petitioner submitted that the vehicle of the petitioner has been seized by the officer of the Food Department on the allegation of illegal transportation of paddy. Though the vehicle has been directed to be released, but onerous condition of submitting F.D.R. of Rs. 2,47,061/- has been imposed on the petitioner. Learned counsel argued that the petitioner has been directed to submit F.D.R. of Rs. 2,47,061/-, which is the cost of the paddy, to which, the petitioner is prepared to submit in so far as release of paddy on supurdnama is concerned. However, imposition of condition of depositing F.D.R. of Rs. 2,47,061/- for release of the vehicle is too harsh and prays that the production of the vehicle may be ensured by imposing a condition with regard to furnishing local solvent security.

3. On the other hand, learned counsel for the respondents/State submits that the Collector while releasing the vehicle as well as the paddy, has directed the

petitioner to furnish F.D.R. of Rs. 2,47,061/- each for releasing the vehicle as well as the paddy, and therefore, release of vehicle on imposing such a condition is not in any manner illegal or arbitrary.

4. From a perusal of order dated 08-03-2011, it appears that the application of the petitioner for release of the vehicle as well as the paddy on supurdnama has been allowed and the petitioner has been directed by the respondent-Collector to deposit F.D.R. of Rs. 2,47,061/-, which is estimated cost of the paddy, for release of the paddy. However, in the matter of release of vehicle, it has also imposed the same condition of deposit under F.D.R. of the same amount, which does not appear to be proper and reasonable. In so far as, release of vehicle is concerned, production of vehicle as and when directed could be ensured by imposing condition of furnishing solvent security, taking into consideration the condition and make of the vehicle. Therefore, I am inclined to interfere with the order dated 08-03-2011 (Annexure P-2) to the extent it seeks to impose condition of depositing F.D.R. of Rs. 2,47,061/- in the matter of release of vehicle on supurdnama.

5. Accordingly, it is directed that the vehicle of the petitioner shall be released on furnishing local solvent security of the amount as may be directed by the Collector taking into consideration the valuation and make of the vehicle.

6. With the aforesaid direction, the petition is finally disposed off. Certified copy by tomorrow.