

(2014) 06 MAD CK 0131

In the Madras High Court

Case No : Writ Petition No. 6848 of 2014

N. Rangarajan

APPELLANT

Vs

The District Revenue Officer Ooty

RESPONDENT

Date of Decision : 12-06-2014

Acts Referred:

Citation : (2014) 06 MAD CK 0131

Hon'ble Judges : B. Rajendran, J

Bench : Single Bench

Judgement

B. Rajendran, J.—Heard Mr. C. Prakasam, learned counsel appearing for the petitioner and Mr. N. Sakthivel, learned Government Advocate, who has taken notice on behalf of the respondents.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondent to release the Bolero bearing Reg. No. TN-43-Z-7710 seized by the Inspector of Police Civil Supplies CID, Coimbatore, Coimbatore District on 07.02.2014.

3. It is the case of the petitioner that he is the owner of the Bolero bearing registration No. TN-43-Z-7710. According to the petitioner, he instructed his driver to purchase 3 bags of rice at Ooty for his family function and when the same was transported in the vehicle, the second respondent seized the same. Though the petitioner's driver produced valid documents, the same has not been accepted by the respondents. Therefore, the petitioner has filed the present writ petition.

4. Learned counsel appearing for the petitioner would submit that the vehicle has been kept in the office of the second respondent and it is exposed to heat, dust and sun thereby the utility of the vehicle is diminished day by day. Hence, he prays this Court to direct the respondents to release the vehicle to the petitioner.

5. The learned Government Advocate appearing for the respondents would

submit that notice u/s 6(A)(1) has already been sent to the petitioner calling upon him to appear for enquiry on 27.6.2014 and if the petitioner appears on that date, the respondent will consider and pass orders in accordance with law.

6. In such view of the matter, the petitioner is directed to appear before the respondents on 27.6.2014. However, considering the fact that the vehicle has been detained in the custody of the second respondent and also the fact that earlier this Court in identical circumstances has passed an order in W.P. No. 6369 of 2014 dated 3.3.2014, this Court is inclined to release the vehicle, however, subject to certain conditions.

7. Accordingly, the respondents are directed to release the Bolero bearing Registration No. TN-43-Z-7710 seized by them to the petitioner subject to the conditions mentioned below:-

- i. The petitioner shall establish the ownership of the vehicle by producing necessary documents before the first respondent.
- ii. The petitioner shall not encumber or alienate the vehicle in any manner till adjudication is over.
- iii. The petitioner shall deposit a sum of Rs. 50,000/- (Rupees fifty Thousand only), in cash within a period of two weeks from today before the first respondent.
- iv. The petitioner shall also file an affidavit before the first respondent that he will not use the vehicle for any illegal activities in future and also to produce the vehicle as and when required by the first respondent;
- v. If the petitioner complies with all the above said conditions, the vehicle shall be released within three days therefrom.
- vi. The first respondent is free to proceed further and pass orders after affording an opportunity to the petitioner.
- vii. The petitioner shall abide by the final orders of the first respondent.

The Writ Petition is ordered in the above terms. No costs.