

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :- 31.01.2007

C O R A M

THE HONOURABLE MRS. JUSTICE PRABHA SRIDEVAN

W.P. No.1826 of 2007

M. Murugan

.. Petitioner

.vs.

1. The District Revenue Officer,
Office of the Collectorate,
Salem District, Salem.

2. The Inspector of Police,
Civil Supplies CID,
Salem, Salem District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus directing the first respondent to release the lorry bearing Registration No.KA,01/AE.2599 seized by the second respondent on 8.1.2007 near Komparapatti Railway Station, Salem District to the petitioner.

For Petitioner : Mr. V. Balakrishnan

For Respondents : Mr. M. Dhandapani, Addl. G.P.

O R D E R

It is well settled that the remedy under Article 226 of the Constitution of India is a discretionary remedy. However, the Court exercises the power under Article 226 of the Constitution of India in a judicial manner. In this case, the petitioner's vehicle has been seized for committing an offence under the Essential Commodities Act. Pending adjudication before the authority, the petitioner now prays for the release of the vehicle. For that purpose, the petitioner has relied upon various judgments of this Court directing the authority to release the vehicles on the petitioner's fulfilling certain conditions imposed by the Court. One among the conditions is to direct the petitioner to deposit certain amount as directed by the Court. Taking into consideration the spate of the writ petitions filed for release of vehicles, the amount to be deposited has been enhanced and it varies depending upon the circumstances of the case, gravity of the offence and the value of the vehicles.

2. By taking the above criteria into consideration, while following the earlier orders of this Court, the first respondent is directed to release the vehicle namely lorry bearing Registration No.KA,01/AE.2599 seized by the second respondent on 8.1.2007 on the petitioner fulfilling the following conditions:

" i. The petitioner shall establish the ownership of the vehicle by producing necessary certificate before the first respondent;

ii. The petitioner shall not alienate the vehicle in any manner till adjudication is over.

iii. The petitioner shall deposit a sum of Rs.20,000/- (Rupees twenty thousand only) in cash, within a period of two weeks from today.

iv. The petitioner shall also give an undertaking 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."

This writ petition is ordered accordingly. No costs.

ssa.

Sd/
Asst. Registrar

/true copy/

Sub Asst.Registrar

To

1. The District Revenue Officer,
Office of the Collectorate,
Salem District, Salem.

2. The Inspector of Police,
Civil Supplies CID,
Salem, Salem District.

1 CC TO THE .P, SR 6014

1 CC TO MR.V. BALAKRISHNAN, ADVOCATE SR 5888

W.P. No.1826 of 2007

NG(CO)
BP/3.2