



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.21089 of 2016

B.U.Sreejith Babu

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Kanyakumari District,
Nagercoil.

2. The Tahsildar,
Flying Squad,
Kuzhithurai,
Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to release the seized mini lorry bearing Registration No.KL-20-J-9183 seized by the second respondent on 17.09.2016.

For Petitioner : Mr.T.Selvakumaran

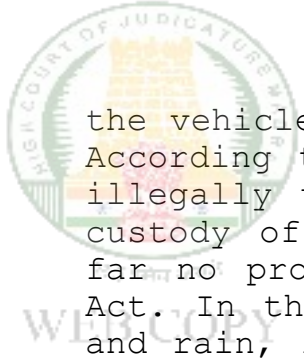
For Respondents : Mr.R.Anandharaj
Government Advocate

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

2.By consent, the Writ Petition itself is taken up for final hearing.

3. According to the petitioner, he claims to be the owner of the vehicle bearing Registration No.KL-20-J-9183. On 17.09.2016, the second respondent-Tahsildar seized the vehicle on the ground that



the vehicle was carrying 30 bags of PDS rice, weighing 50 kgs each. According to the petitioner, without his knowledge, his driver has illegally transported PDs rice. Now, the seized vehicle is in the custody of the District Revenue Officer, Kanyakumari District. So far no proceedings is initiated against the Essential Commodities Act. In the above circumstances, if the vehicle is exposed to sun and rain, it losing its value. Hence, the petitioner has filed the present Writ Petition for the aforesaid relief pending adjudication of the Essential Commodities Act. In a similar circumstances, this Court has passed an order in W.P(MD)No.11493 of 2016, dated 28.06.2016 to release the vehicle.

4. In view of the above, this Writ Petition is disposed of with the following conditions:-

(a) *The petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Five Thousand only) in cash before the second respondent;*

(b) The petitioner is directed to produce original RC book and other documents pertaining to the ownership of the seized vehicle.

(c) *The petitioner is to file an affidavit of undertaking that he will cause production of the vehicle in question before the competent/concerned respondents (as the case may be) as and when called for and further, he will not alienate the vehicle in question till the appropriate proceedings initiated are completed;*

(d) *On compliance of the above conditions, the second respondent is directed to release the seized vehicle bearing Registration No.KL-20-J-9183 to the petitioner (if he is in custody and possession), within three days from the date of receipt of a copy of this order;*

(e) *The second respondent is directed to pass final orders in the adjudication proceedings within a period of 45 days;*

(f) *This order for the release of the vehicle can be pressed into service by the petitioner only if the vehicle is not in the custody of the criminal Court. If the vehicle is in the custody of concerned Criminal Court of appropriate jurisdiction, then, option is given to the petitioner to approach the concerned Judicial Magistrate to get release of the vehicle, by filing necessary application in the manner known to law and in accordance with law; and*



*order is to be complied with within a period of one week,
if no order of adjudication is passed as on today.*

No costs.

WEB COPY

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Kanyakumari District,
Nagercoil.
2. The Tahsildar,
Flying Squad,
Kuzhithurai,
Kanyakumari District.

Copy To:-

The District Revenue Officer,
Kanyakumari District.

- + 1 CC TO Mr.A.DENNISON, ADVOCATE IN SR No. 65347
- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 66047

PS

TE/SK-SKN/SAR-AE : 08/11/2016 : 3P/6C (IT)

W.P (MD) No.21089 of 2016
03.11.2016