



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition(MD)No.5 of 2016

C.Maniraj

...Petitioner

Vs.

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

2.The Inspector of Police,
CSCID, Kuzhithurai,
at Nagercoil,
Kanyakumari District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the first respondent to release the Scooter bearing Registration No.TN-75-T-9663 seized on 16.12.2015 by the second respondent, to the petitioner.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.S.Kumar

Additional Government Pleader

ORDER

This Writ petition is filed seeking for a Mandamus, directing the first respondent to release the Scooter bearing Registration No.TN-75-T-9663 seized on 16.12.2015 by the second respondent.

2. Mr.S.Kumar, learned Additional Government Pleader takes notice for the respondents.

3. The grievance of the petitioner is that he is the owner of the vehicle in question and the said vehicle was being used to transport of 2 bags of rice at the time of its seizure.

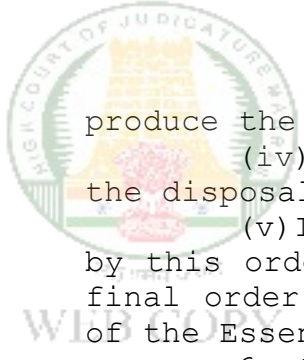
4. Upon notice, the learned Additional Government Pleader appearing for the respondents had pointed out that since, the proceedings had been initiated under Section 6-A of the Essential Commodities Act, 1955, the petitioner has to approach the first respondent for the release of the vehicle concerned. However, without doing so, the petitioner has approached this Court, by filing the present Writ petition.

5. Considering the above facts and circumstances, the respondents are directed to release the vehicle in question, subject to the following conditions:

(i)The petitioner shall produce the necessary documents before the first respondent, to establish his ownership of the vehicle in question.

(ii)The petitioner shall deposit a sum of Rs.2,000/- (Rupees two thousand only) with the first respondent.

(iii)The petitioner shall give an undertaking that he will not use the vehicle for any illegal activities in future and that he would



produce the same, as and when required by the first respondent.

(iv) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned.

(v) It is made clear that the release of the vehicle in question, by this order, is only an interim measure, as it would be subject to the final order to be passed by the authorities concerned, under Section 6-A of the Essential Commodities Act, 1955.

6. The Writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar(CS)

To

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

2. The Inspector of Police,
CSCID, Kuzhithurai,
at Nagercoil,
Kanyakumari District.

+1cc to Mr.T.Leninkumar, Advocate in SR.656

+1cc to the Special Government Pleader in SR.698

W.P(MD)No.5 of 2016
05.01.2016

PS

PBK/PM-MP 18.01.2016 ::2P-5C: