

In the High Court of Judicature at Madras

Dated: 02.02.2017

Coram

The Honourable Mr.JUSTICE B.RAJENDRAN

W.P.No.27659 of 2016

1 Selvam [PETITIONER]

Vs

1 The Secretary to Government
Food & Consumer Protection Department
Secretariat, Chennai-9.

2 The Principal Commissioner,
Commissioner of Civil Supplies & Consumer
protection Department, Chepauk, Chennai-5.

3 The Secretary to Government,
Home & prohibition and Excise Department,
Secretariat , Chennai-9.

4 Inspector General of Police,
Civil Supplies Department (CID), Chennai-2.

5 The District Collector ,
Thiruvallur District , Thiruvallur.

6 The District Revenue Officer ,
Thiruvallur District , Thiruvallur.

7 The Revenue Divisional
Officer, Thiruvallur.

8 The Inspector of Police ,
Civil Supply (CID), Patravakkam, Ambattur,
Chennai-53.

9 The Deputy Commissioner (North) ,
Commissioner of Civil Supplies &
Consumer Protection Department, Chepauk,
Chennai-5. [RESPONDENTS]

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus to direct the respondents to consider and thereby disposing the representation made by petitioner on september 2015 & 29.02.2016 respectively to pass an orders an the Essential Commodies act 1955, Proceedings which is numbered as Na.Ka. No.3/ 2144/ 2015 dated on 27.08.2015 on the file of 9th respondent regarding return back of seized vehicles vide registration No.TN 18P 4542, Maruthi Eeco, along with valuable parts of the vehicle.

For Petitioner : Mr.R.Rangarajan

For Respondents: Mr.S.Rajeswaran

Special Government Pleader

ORDER

The writ petition is filed for a mandamus to direct the respondents to consider and thereby disposing the representation made by petitioner on september 2015 & 29.02.2016 respectively to pass an orders an the Essential Commodies act 1955, Proceedings which is numbered as Na.Ka. No.3/ 2144/ 2015 dated on 27.08.2015 on the file of 9th respondent regarding return back of seized vehicles vide registration No.TN 18P 4542, Maruthi Eeco, along with valuable parts of the vehicle.

2. According to the petitioner, his vehicle Maruthi Eeco bearing Registration No.TN18) 4542 was seized by the respondent police on 26.07.2015 under section 6 of the Essential Commodities Act in Crime No.188 of 2015, for carrying PDS rice of 16 bags. He made representations in September 2015 and another dated 29.02.2016 seeking release of his vehicle. The vehicle may be placed in public place and became worthless. Even as per the decision of the Hon'ble Supreme Court, the seized vehicle should not be put to waste.

3.Counter is filed by the fourth and eighth respondents stating that if the vehicle is released, the petitioner will use the vehicle for any other illegal purpose.

4.Heard both sides.

5.Considering the fact that the rice has been seized and that the vehicle should not kept in public and the value of the vehicle, there will a direction to the respondent police to release the vehicle of the petitioner viz., Maruthi Eeco bearing Registration No.TN 18P 4542, on condition that the petitioner deposits a sum of Rs.75,000/- (Rupees Seventy five thousand) to the Government within a period of two weeks and on further conditions that the petitioner undertakes

not to misuse the vehicle again for any such illegal purpose and that the petitioner shall appear before the authority concerned for enquiry and thereafter, the adjudication process shall be completed within a period of three months. The writ petition is disposed of accordingly. No costs.

Vri

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

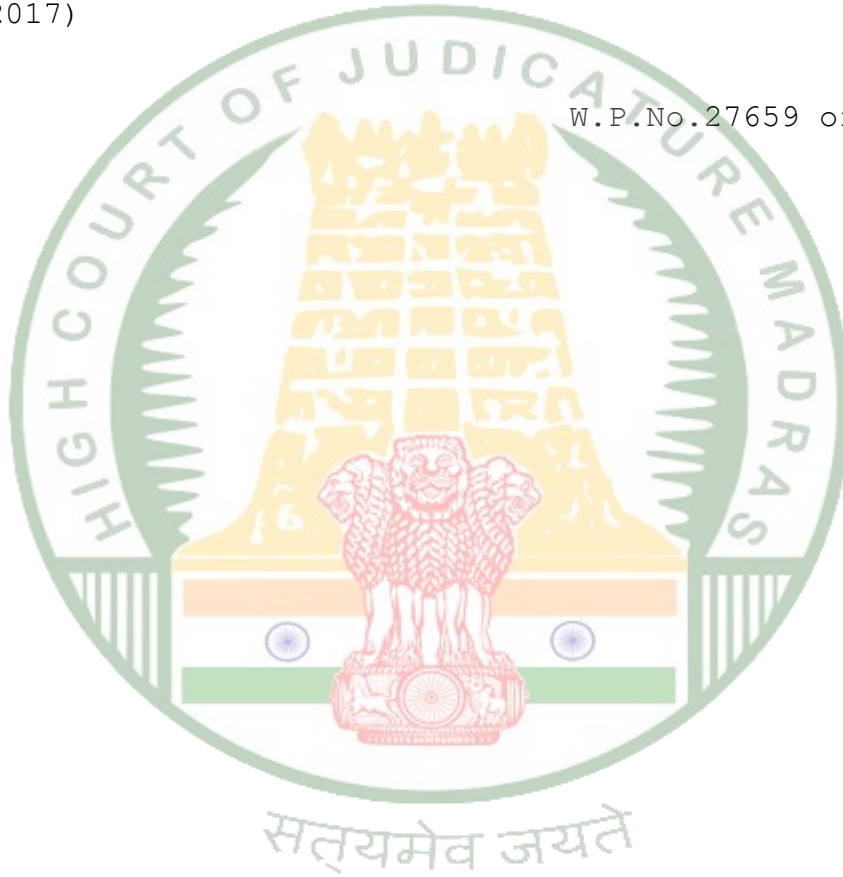
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Chennai-5.

+1cc to Mr.R. Rangarajan, Advocate, S.R.No.6493
+1cc to the Government Pleader, S.R.No.6975

GMI (CO)
md(02/03/2017)

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