



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.10.2019
CORAM**

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.(MD) No.18684 of 2019

WEB COPY

Kakkavila Village Industrial Co-operative
Society Ltd., No.S.IND(T) 866,
Rep. by its President,
A.James Raj

... Petitioner

vs.

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

2. The Inspector of Police,
Civil Supplies C.I.D,
Kuzhithurai at Nagercoil,
Kanyakumari District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to release the Super Ace Mini Van bearing Registration No.KL-19-G-7448 seized by the second respondent on 12.03.2019 to the petitioner.

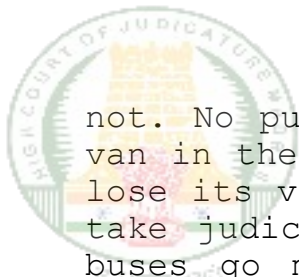
For Petitioner : Mr.T.Lenin Kumar
For Respondents : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader

O R D E R

The petitioner has come forward with the present Writ Petition seeking for issuance of a Writ of Mandamus, directing the first respondent to release the Super Ace Mini Van bearing Registration No.KL-19-G-7448 seized by the second respondent on 12.03.2019 to the petitioner.

2. Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, who takes notice on behalf of the respondents, would vehemently oppose the release of Super Ace Mini van on the ground that the vehicle was used to transport 14 bags of PDS rice (each contains 50 kgs) without any valid permit.

3. The Super Ace Mini van belonging to the petitioner was seized by the second respondent on the ground that it was transporting 14 bags of PDS rice. The act of seizure cannot be faulted. But, then the question is whether it should be released or



not. No purpose will be served in continuing to keep the said Mini van in the custody of the respondents, since the vehicle would only lose its value by exposure in open area. That apart, this Court can take judicial notice of the fact that the parts of such detained buses go missing. Therefore, the first respondent is directed to release the Super Ace Mini van to the petitioner on deposit of a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), within a period of one week from the date of receipt of a copy of this order.

4. The petitioner has to file an undertaking affidavit before the first respondent offering to extend full co-operation with the enquiry that may be initiated by the first respondent. The petitioner shall not alienate the vehicle till the conclusion of the enquiry. The petitioner shall also undertake not to violate the permit conditions in future. If the permit conditions are again violated, it would be open to the respondents to seize the vehicle in that event.

5. The Writ Petition is ordered accordingly. 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,
Civil Supplies C.I.D,
Kuzhithurai at Nagercoil,
Kanyakumari District.

+1 CC to Mr.T.LENIN KUMAR, Advocate (SR-93942[F] dated 23/10/2019)
+1 CC to Spl.GP (SR-94038[F] dated 23/10/2019)

Order made in
W.P. (MD) No.18684 of 2019

Dated: 22.10.2019

sml

MK (01.11.2019) 2P 5C