



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :13.09.2019

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THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.(MD) No.19467 of 2019

Senthilkumar

... Petitioner

vs.

1.The District Revenue Officer,
Madurai District, Madurai.

2.The Inspector of Police,
Civil Supplies C.I.D., Madurai.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to release the TATA Ace Mini Van bearing registration No.TN-67-F-2625 seized by the second respondent on 11.08.2019 to the petitioner.

For Petitioner : Mr.T.Lenin Kumar

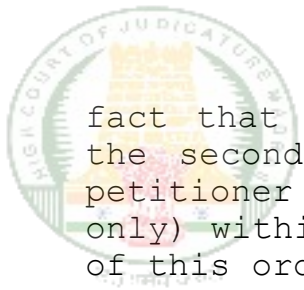
For Respondents : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader

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 his Mini Van bearing registration No.TN-67-F-2625 from the custody of the second respondent.

2.Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, who takes notice on behalf of the respondents, would vehemently oppose the release of Mini Van on the ground that the petitioner has transported 30 bags of PDS boiled rice (each contains 50 kgs).

3. The Mini Van belonging to the petitioner was seized by the second respondent on the ground that the rice carried on the vehicle resembles as 30 bags of PDS boiled rice (each contains 50 kgs). 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 respondent, 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 second respondent is directed to return the Mini Van to the petitioner on payment of a sum of Rs.10,000/- (Rupees ten thousand only) within a period of one week from the date of receipt of a copy of this order.

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4. The petitioner has to file an undertaking affidavit before the second respondent offering to extend full co-operation with the enquiry that may be initiated by the 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 respondent to seize the vehicle in that event.

5. The Writ Petition is allowed accordingly. No costs.

Sd/-
Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To:

1.The District Revenue Officer,
Madurai District, Madurai.

2.The Inspector of Police,
Civil Supplies C.I.D., Madurai.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-86708[F] dated
13/09/2019)

+1 CC to M/s.SPL GP (SR-86904[F] dated 16/09/2019)

W.P. (MD) No.19467 of 2019

13.09.2019

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JM/18.09.2019/2P/5C