



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.10.2019
CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.(MD) No.22927 of 2019

WEB COPY

Sakthivel

... 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 1st respondent to release the Bolero Pickup van bearing Regn.No.TN-16-C-4219 seized by the 2nd respondent on 12.10.2019 to the petitioner.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.P.Kannithevan

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 Bolero Pickup van bearing Regn.No.TN-16-C-4219 seized by the 2nd respondent on 12.10.2019 to the petitioner.

2.Mr.P.Kannithevan, learned Additional Government Pleader, who takes notice on behalf of the respondents, would vehemently oppose the release of the vehicle in question on the ground that the petitioner is the owner of the vehicle and he used his vehicle to transport 30 bags of PDS rice (each contains 50 kgs) without any valid permit.

3.The Bolero Pickup van belonging to the petitioner was seized by the second respondent on the ground that it was transporting 30 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 Bolero Pickup 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 Bolero Pickup van go missing. Therefore, the first



respondent is directed to return the Bolero Pickup van to the petitioner on payment 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 second respondent offering to extend full co-operation with the enquiry that may be initiated by the respondents. 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 allowed accordingly. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

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

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

+1 CC to SPL GP (SR-95439[F] dated 01/11/2019)

+1 CC to Mr.T.LENIN KUMAR, Advocate (SR-95291[F] dated 31/10/2019)

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MJ

MK (08.11.2019) 2P 5C