



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P (MD)No.25104 of 2019

WEB COPY

P.Bismin

.. Petitioner

Vs.

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

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 1st respondent to release the Bajaj Auto bearing registration No.TN 75 AC 7922 seized by the 2nd respondent on 13.9.2019 to the petitioner.

For Petitioner

:Mr.T.Lenin Kumar

M/s.D.Deepamathi

For Respondents

:Mrs.J.Padmavathi Devi

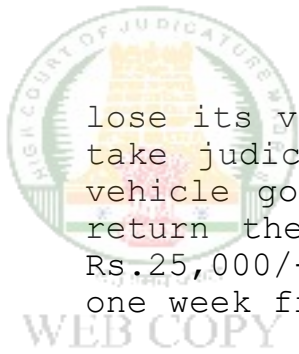
Special Government Pleader

ORDER

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 Bajaj Auto bearing registration No.TN 75 AC 7922 seized by the 2nd respondent on 13.09.2019 to the petitioner.

2.Mrs.J.Padmavathi Devi, learned Special 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 6 bags of PDS rice (each contains 50 kgs) without any valid permit.

3.The vehicle in question, belonging to the petitioner was seized by the second respondent on the ground that it was transporting 6 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 Bajaj Auto 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 vehicle go missing. Therefore, the first respondent is directed to return the Bajaj Auto 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 ()

// True Copy //

Sub Assistant Registrar(CS)

Mj

To

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

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

+1 CC to Mr.T. LENIN KUMAR, Advocate (SR-101406[F]dated
26/11/2019)

+1 CC to SPL GP (SR-101946[F] dated 27/11/2019)

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26.11.2019

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