

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.02.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.3875 of 2020

Sasi Kumar

.. Petitioner

..Vs..

1.The District Revenue Officer,
Tirupattur,
Tirupattur District.

2.The Inspector of Police,
CSCID Vellore,
Vellore District.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to release the petitioner's Chevrolet Tavera Car bearing Registration No.TN 11 B 3659 in Engine No.3JM15741 and Chassis No.MA6ABCK5CC4008834 seized in Crime No.06 of 2020 within a stipulated period.

For Petitioner : Mr.M.Sathish Kumar

For Respondents : Mr.A.S.Senthil Vel
Additional Government Pleader

O R D E R

Mr.A.S.Senthil Vel, learned Additional Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, directing first respondent namely the District Revenue Officer, Tirupattur, Tirupattur District, to release the petitioner's Chevrolet Tavera Car

bearing Registration No.TN 11 B 3659 in Engine No.3JM15741 and Chassis No.MA6ABCK5CC4008834 seized in Crime No.06 of 2020 by the second respondent namely the Inspector of Police, CSCID Vellore, Vellore District.

3.In the affidavit filed in support of the writ petition, it is stated that on 09.01.2020, the second respondent, namely, the Inspector of Police, CSCID Vellore, Vellore District has seized the said vehicle bearing Registration No.TN 11 B 3659 for illegally transporting 30 bags of 40 Kg of PDS Rice. In this connection FIR had been registered in Crime No.06 of 2020 of the offences under Sections 6(4) of TNSC (RDCS) order 1982 R/w read with 7(i) a (ii) of EC Act 1955.

4.The learned counsel for the petitioner relied on the judgment of this Court in W.P.No.26320 of 2017 in the case of Jamal Basha Shaik Vs.The District Revenue Officer, Vellore, Vellore District, wherein the lorry bearing Registration No.AP-26-TC-0349 seized by the Tamil Nadu CSCID Police, Vellore, was directed to be released by the respondent on payment of Rs.25,000/- made by the petitioner. The law has moved on from the date of judgment.

5.Section 6A of the Essential Commodities Act, 1955 relates to confiscation of essential commodities Section 64(1)(c) provides that the vehicle used in carrying such essential commodity can be confiscated. It is also provided that in lieu of confiscation, the owner can pay a fine not exceeding the market price.

6. It is seen that the petitioner had given a representation to the first respondent on 03.20.2020.

7.In such circumstance, without expressing any opinion on the merits of the case, this Court is inclined to issue a direction to the first respondent to examine the representation dated 03.02.2020 and also get the value of the

vehicle, after following due procedures and pass appropriate orders on or before 15.03.2020 in accordance with law.

8.With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(Ccc)

//True Copy//

Sub Assistant Registrar

tta
To

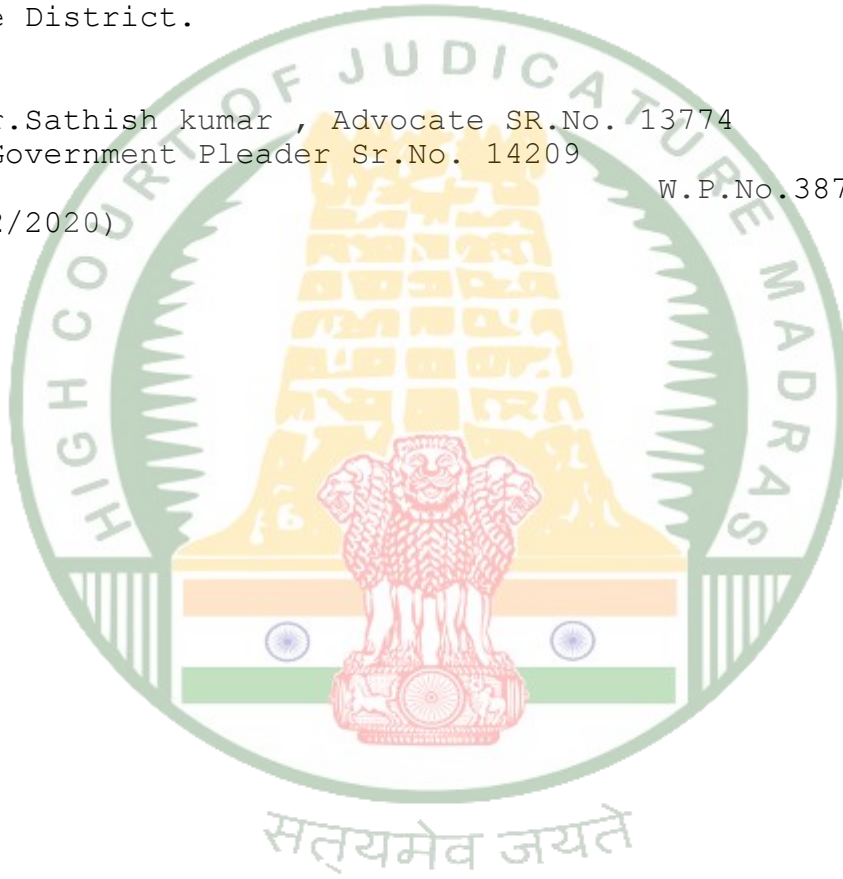
1.The District Revenue Officer,
Tirupattur,
Tirupattur District.

2.The Inspector of Police,
CSCID Vellore,
Vellore District.

+1cc to Mr.Sathish kumar , Advocate SR.No. 13774
+1 cc to Government Pleader Sr.No. 14209

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A.SK(19/02/2020)



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