



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2020

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) No. 3274 of 2020

M.Thambiraj

... 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 is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to release the Ashok Leyland Lorry bearing Registration No.KL-65-3760 seized by the second respondent on 04.02.2020.

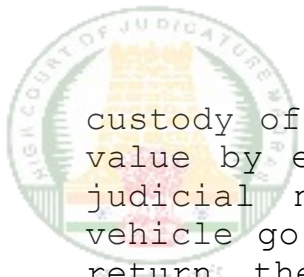
For Petitioner : Mr.T.Lenin Kumar
For Respondents : Mr.M.Murugan,
Government Advocate

ORDER

This Writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the first respondent to release the Ashok Leyland Lorry bearing Registration No.KL-65-3760 seized by the second respondent on 04.02.2020.

2.Mr.M.Murugan, learned Government Advocate, who took 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 120 bags of PDS rice (each contains 50 Kgs).

3.The vehicle in question, belonging to the petitioner was seized by the second respondent on the ground that it was transporting PDS rice. The act of seizure cannot be faulted. But, then the question is whether it should be released or not. No



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 lorry 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(AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pm

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 M/s.T.LENINKUMAR, Advocate (SR-8467[F] dated
26/02/2020)

W.P(MD)No.3274 of 2020
26.02.2020

TR(10.03.2020)2P 4C