



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.13678 of 2020

WEB COPY

Ramalingam

... Petitioner

Vs

1. The District Revenue Officer,
Trichy, Trichy District.

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

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to release the TVS-XL two wheeler bearing registration No.TN-91-H-5994 seized by the second respondent on 22.09.2020 to the petitioner.

For Petitioner	: Mr.T.Lenin Kumar
For Respondents	: Mrs.V.P.M.Vaishnavi Government Advocate

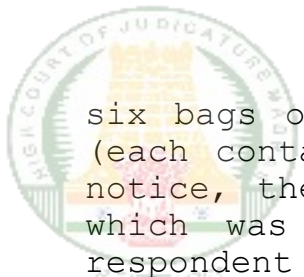
ORDER

The instant writ petition has been filed for Mandamus seeking for a direction to direct the first respondent to release the TVS-XL two Wheeler bearing registration No.TN-91-H-5994 seized by the second respondent on 22.09.2020 to the petitioner.

2.Heard Mr.T.Lenin Kumar, learned counsel appearing for the petitioner and Mrs.V.P.M.Vaishnavi, learned Government Advocate appearing for the respondents.

3.By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

4.It is the case of the petitioner that, without any basis, when his vehicle, namely TVS-XL two wheeler bearing registration No.TN-91-H-5994 was parked in front of a Mill, where the second respondent had come for inspection, the petitioner's vehicle was seized by the second respondent on 22.09.2020 under the Essential Commodities Act. The said Mill was inspected by the second respondent on 22.09.2020 and from the said Mill, the second respondent seized twelve bags (each containing 50kgs) of rice and



six bags of rice (each containing 25kgs) and 200 bags broken rice (each containing 50kgs). According to the petitioner, without any notice, the second respondent seized the vehicle belonging to him, which was parked in front of the aforesaid Mill. The second respondent has also registered a case in Crime No.171 of 2020 for the alleged offence under Section 6(4) of the TNSC (RDCS) Order 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955. According to the petitioner, after seizure of his vehicle on 22.09.2020, the petitioner gave a representation to the first respondent on 24.09.2020 praying for release of his vehicle, since he was no way connected with the alleged offence. According to him, the seized vehicle is now being kept in the open place and due to exposure of sun and rain and the vagaries of nature, the vehicle is losing its value.

5.The prayer sought for by the petitioner in this writ petition has to be granted in the interest of justice. If the vehicle, which was seized by the second respondent, is kept in the open place, it will not be useful to anyone in the near future and if it is continued to remain in the open, it has to face the vagaries of nature and ultimately will become a wreck and worthless. Eventhough the petitioner contends that he is no way connected with the offence committed under the Essential Commodities Act, stringent conditions will have to be imposed by this Court for granting interim release of the vehicle to the petitioner so as not cause prejudice to the rights of the respondents in the event of the petitioner being found guilty of the offence after trial.

6.For the foregoing reasons and in view of the fact that if the vehicle is kept in the open place, it will not be useful to anyone, this Court passes the following order:-

(i)the first respondent is hereby directed to release the TVS-XL two wheeler bearing registration No.TN-91-H-5994 to the petitioner subject to the fulfillment of the following conditions:-

(ii)the petitioner shall execute a bond for a sum of Rs.5,000/-(Rupees Five Thousand only) in favour of the first respondent within a period one(1) week from the date of receipt of a copy of this order.

(iii)the petitioner shall give unconditional undertaking to the first respondent that, he shall not alienate/encumber the vehicle without permission of the jurisdictional Magistrate till the completion of the confiscation proceeding under the Essential Commodities Act.

(iv)the petitioner shall produce all the copies of the documents pertaining to the ownership of the seized vehicle to the first respondent.



(v)As and when the respondents call for the vehicle for enquiry, the petitioner has to produce the vehicle in question and he shall cooperate with the enquiry to be conducted by the respondents.

7. Upon completion of the above mentioned formalities, the respondents shall release the vehicle forthwith without any delay. If this undertaking given by the petitioner is breached, the petitioner will not be entitled for interim release of the vehicle in future. The Writ Petition is disposed of accordingly. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Rmk

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The District Revenue Officer,
Trichy, Trichy District.
2. The Inspector of Police,
Civil Supplies C.I.D.,
Trichy.

W.P. (MD)No.13678 of 2020

05.10.2020

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