



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.13694 of 2020

J.Sathik Ali

... Petitioner

Vs

1. The Revenue Divisional Officer,
Uthamapalayam,
Theni District.

2. The Inspector of Police,
Civil Supplies Crime Investigation Department,
Uthamapalayam, Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to release the petitioner's vehicle i.e., Light Goods Vehicle (Bolero Pickup Mini Lorry) bearing Registration No.TN 60 U 0171, seized by the respondents on 15.09.2020.

For Petitioner : Mr.S.Ramu

For Respondents : Mrs.M.Rajeshwari
Government Advocate

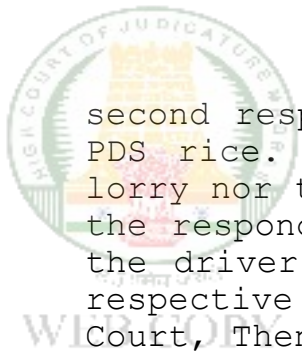
ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to release the petitioner's vehicle i.e., Light Goods Vehicle (Bolero Pickup Mini Lorry) bearing Registration No.TN 60 U 0171, seized by the respondents on 15.09.2020.

2.Heard Mr.S.Ramu, learned counsel appearing for the petitioner and Mrs.M.Rajeshwari, 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, he is the owner of the aforementioned lorry. According to him, on 15.09.2020, without any basis, the respondents seized his vehicle under the Essential Commodities Act and registered a case in Crime No.111 of 2020. It is also the case of the petitioner that, the driver of the lorry as well the petitioner's mother Nazeema permitted the merchants to load vegetables and groceries in the lorry owned by the petitioner. The



second respondent seized both the mini lorry as well as 900 kgs of PDS rice. Though the goods neither belong to the driver of the lorry nor the mother of the petitioner, however, without any basis, the respondents arrested the petitioner's mother Nazeema as well as the driver of the lorry. It is stated in the affidavit that, the respective accused were also granted bail by the Principal Sessions Court, Theni on 22.09.2020 and 23.09.2020 respectively, on condition that each of them deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) totally amounting to Rs.80,000/- (Rupees Eighty Thousand only) to the COVID-19 Relief Fund. The same has also been deposited by the respective accused and they have been enlarged on bail. It has been contended by the petitioner that, he is innocent and no way connected with the alleged offence and he has sought for release of his vehicle.

5. Admittedly, the mini lorry bearing registration No. TN 60 U 0171 seized by the respondents on 15.09.2020 is now being kept in the open and due to the vagaries of nature, there is a possibility of the said vehicle becoming a wreck and in which event it will not be useful for anyone. According to the petitioner, till date, confiscation proceedings contemplated under the Essential Commodities Act has also not been initiated by the respondents. If the vehicle is allowed to be kept in the open for a long period of time, it will ultimately become a wreck and no useful purpose will be served.

6. In such circumstances, this Court deems it fit to issue a direction to the respondents to release the vehicle back to the petitioner subject to the fulfilment of the following conditions:

(i) Accordingly, this Court directs the respondents to release the petitioner's vehicle bearing registration No. TN 60 U 0171 subject to the fulfillment of the following conditions:-

(ii) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty 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 to interim release of the vehicle in future. The Writ Petition is disposed of accordingly. There shall be no order as to costs.

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

Sd/-

Assistant Registrar (CS-I)

// 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 Revenue Divisional Officer,
Uthamapalayam, Theni District.
2. The Inspector of Police,
Civil Supplies Crime Investigation Department,
Uthamapalayam, Theni District.

+1cc to the SPL GP SR-19176.

+1cc to Mr.S.Ramu, Advocate, SR.No.6789.

W.P. (MD)No.13694 of 2020

PM(CO)

CS(15.10.2020) 3P 5C