



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.2888 of 2021

WEB COPY

Muthukumar

... Petitioner

Vs.

1. The District Revenue Officer,
Tenkasi District.

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

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to release the Mahindra Pickup bearing registration No.TN-79-F-8824 seized by the second respondent to the petitioner by considering his representation dated 05.02.2021 within the time limit that may be stipulated by this Hon'ble High Court.

For Petitioner	: Mr.C.Susi Kumar
For Respondents	: Mr.R.Baskaran, Counsel for State

O R D E R

The petitioner seeks the release of a Mahindra Pickup truck bearing registration No.TN-79-F-8824, which was seized by the second respondent.

2. The petitioner states that he is the owner of the aforesaid Mahindra Pickup truck and that the said vehicle was seized by the second respondent on 06.01.2021 on the alleged ground that the petitioner had used the vehicle to transport PDS rice. It is stated that a case was registered by the second respondent in connection with the above in Crime No.3 of 2021. Pursuant to such seizure, the petitioner states that a detailed representation was made to the respondents requesting for the release of the vehicle. In spite of receiving such representation, the first respondent has failed to take any steps to release the vehicle.

3. The petitioner alleges that, till date, no confiscation proceedings have been initiated. It is further stated that unless the vehicle is released quickly, it will deteriorate in condition and the petitioner would be put to a loss.



4. Mr.R.Baskaran, learned counsel for the State, appears on behalf of both the respondents and opposes the release of the vehicle.

5. Learned counsel for the petitioner relies upon an earlier order of this Court in W.P(MD).No.8600 of 2019, order dated 10.04.2019, and contends that this Court had ordered the release of a seized vehicle subject to certain conditions as set out therein.

6. Section 6-A of the Essential Commodities Act, 1955 provides for the initiation of confiscation proceedings pursuant to the seizure of a vehicle. The said provision empowers the Collector to confiscate the essential commodity and the vehicle used in carrying such essential commodity. The second proviso thereto enables the owner of such vehicle to pay a fine not exceeding the market price of the essential commodity, as on the date of seizure thereof, in lieu of confiscation. In the present case, the petitioner has alleged that no confiscation has been effected and the said contention is not refuted on behalf of the State.

7. In the above facts and circumstances, the first respondent herein is directed to consider the representation dated 05.02.2021 of the petitioner and dispose of the same within a period of one month from the date of receipt of a copy of this order. In the event the first respondent decides to release the vehicle, appropriate safeguards should be incorporated so as to ensure that no prejudice is caused as regards the pending criminal proceedings.

8. W.P(MD).No.2888 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The District Revenue Officer,
Tenkasi District.

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

+1 CC to M/s.GP (SR-25060[F] dated 03/08/2021)

W.P.(MD)No.2888 of 2021

02.08.2021

MGJ(09.08.2021) 2P 4C