



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.2995 of 2021

WEB COPY

Christhu Dhas

... Petitioner

Vs.

1. The District Revenue Officer,
Kanyakumari District,
At Nagercoil.

2. The Special Tahsildar,
Flying Squad, Nagercoil,
Kanyakumari District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the petitioner's vehicle namely Bolero Pickup bearing registration No.TN-72-AY-6334 to the petitioner forthwith.

For Petitioner : Mr.T.Selvakumaran
For Respondents : Mr.R.Baskaran,
Counsel for State

O R D E R

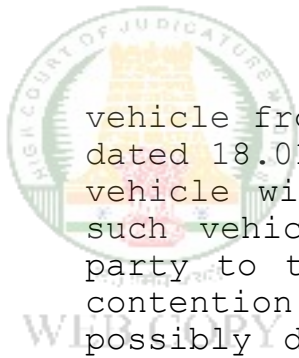
The petitioner seeks the release of a Bolero pickup vehicle bearing registration No.TN-72-AY-6334.

2. The petitioner states that he purchased the said vehicle from one Mr.Franklin on 18.01.2020. The said vehicle was seized on 20.08.2020 by the second respondent on the alleged ground that it was used for the illegal transportation of PDS rice.

3. The petitioner states that in spite of submitting a representation on 24.08.2020 to the first respondent for the release of the vehicle, no action has been taken in such regard by the first respondent.

4. Mr.R.Baskaran, learned counsel for the State, appears on behalf of both the respondents and states that the vehicle was seized in view of the fact that it was found to be carrying PDS rice unlawfully.

5. The documents on record disclose that the vehicle is registered in the name of one Mr.Franklin and not in the name of the petitioner. Although the petitioner claims that he purchased the



vehicle from Mr.Franklin alias Francis, on the basis of an agreement dated 18.01.2020, a mandamus cannot be issued for the release of the vehicle without ascertaining and establishing the correct owner of such vehicle. The registered owner of the vehicle is not even a party to the present writ petition. Nevertheless, the petitioner's contention that the vehicle would deteriorate in condition and possibly depreciate in value unless some action is taken at the earliest cannot be disregarded. In this connection, it may be noticed that there do not appear to be any criminal proceedings in connection with the seizure and it is not clear as to whether confiscation was effected.

6. In the above facts and circumstances, without going into the merits of the matter, the first respondent is directed to consider the petitioner's representation dated 24.08.2020 and pass a reasoned order thereon after providing a reasonable opportunity both to the petitioner and to the registered owner of the vehicle. Such reasoned order shall be passed within a period of one month from the date of receipt of a copy of this order.

7. W.P.(MD).No.2995 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

To

1. The District Revenue Officer,
Kanyakumari District,At Nagercoil.
2. The Special Tahsildar,
Flying Squad, Nagercoil,Kanyakumari District.

+1 CC to M/s.GP (SR-25082[F] dated 03/08/2021)

+1 CC to M/s.T.SELVAKUMARAN, Advocate (SR-25098[F] dated 03/08/2021)

W.P. (MD)No.2995 of 2021

02.08.2021

RD(9.08.2021) 2P 5C