



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.3290 of 2021

WEB COPY

Madhankumar

... 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 TATA 1109 bearing registration No.TN-76-AL-3480 seized by the second respondent on 14.01.2021 to the petitioner by considering his representation dated 11.02.2021 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 TATA 1109 vehicle bearing registration No.TN-76-AL-3480.

2. The petitioner states that the second respondent seized the TATA 1109 vehicle owned by the petitioner on 14.01.2021 on the ground of alleged transportation of PDS rice. It is stated that the second respondent has registered a case in Crime No.12 of 2021 for alleged offences, *inter alia*, under the Essential Commodities Act, 1955.

3. After such seizure, the petitioner states that a detailed representation was submitted to the respondents on 11.02.2021 but that the respondents have failed to take any steps to release the vehicle. The petitioner also states that in view of such non release, the condition of the vehicle is deteriorating.

4. Mr.R.Baskaran, learned counsel for the State, appears on behalf of both the respondents and states that the criminal prosecution in connection with the seizure of the essential commodity is still pending.



5. The documents on record disclose that the petitioner is the registered owner of the vehicle. Learned counsel for the State has been unable to point out any confiscation proceedings in connection with the vehicle. However, in the absence of all the material facts and documents, such matters cannot be decided in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India.

6. Nonetheless, the petitioner's contention that the vehicle will deteriorate and depreciate in value, unless released at an early date, cannot be disregarded. Accordingly, the first respondent is directed to consider the petitioner's representation dated 11.02.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity of hearing to the petitioner. Such reasoned order shall be passed 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, adequate safeguards should be put in place so as to ensure that the criminal prosecution is not prejudiced in any manner.

7. W.P(MD).No.3290 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AE)

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/ /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.SGP (SR-25068[F] dated 03/08/2021)

W.P. (MD)No.3290 of 2021

02.08.2021