



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2021

CORAM

THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P.(MD)No.3536 of 2021

WEB COPY

Sathik Batsha

... 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-47-AV-9783 seized by the second respondent to the petitioner by considering his representation dated 12.02.2021 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.C.Susikumar

For Respondents : Mr.R.Baskaran,
Counsel for State

O R D E R

The petitioner seeks the release of a Mahindra Pickup vehicle bearing registration No.TN-47-AV-9783.

2. The petitioner states that the above mentioned vehicle was seized on 07.02.2021 on the allegation that it was used for unlawful transportation of PDS rice. The affidavit discloses that a case was registered in this connection in Crime No.20 of 2021.

3. The petitioner states that in spite of submitting a detailed representation to the first respondent seeking release of the vehicle, no action has been taken thereon. As a consequence, the condition of the vehicle is deteriorating on a day-to-day basis.

4. Mr.R.Baskaran, learned counsel for the State, appears on behalf of both the respondents. He states that the vehicle has not been released in view of the pending criminal prosecution. He does not have any specific instruction as to whether confiscation proceedings were initiated pursuant to the seizure of the vehicle.

5. When the facts as to whether confiscation proceedings have been initiated are unclear, this Court should not direct the release



of such vehicle based on affidavit evidence. Nonetheless, the contention of the petitioner to the effect that urgent orders are necessary with regard to the release of the vehicle is a valid contention.

6. Accordingly without going into the merits of the matter, the first respondent is directed to consider the petitioner's representation dated 12.02.2021 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, appropriate safeguards should be incorporated so as to ensure that no prejudice is caused as regards the pending criminal proceedings.

7. W.P(MD).No.3536 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AE)

// 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-25067[F] dated 03/08/2021)

W.P.(MD)No.3536 of 2021

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