



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P(MD) No.3498 of 2021

S.Sivakumar

... Petitioner

Vs.

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

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

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents, to release the petitioner's vehicle I.e 407 four wheeler bearing Registration No.TN 59 AF3353, seized by the second respondent on 24.11.2020, on the basis of the petitioner's representation dated 11.02.2021.

For Petitioner

: Mr.S.Ramu

For Respondents

: Mr.S.Angappan
Government Advocate

O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to release the vehicle that was seized by the second respondent in Crime.No.148 of 2020, which was registered for the offences under Sections 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 read with Section 7(1) (a) (ii) of the Essential Commodities Act 1955.

2.The learned Government Advocate appearing on behalf of the respondents submitted that already confiscation proceedings have been initiated by the first respondent and the same is pending. The learned counsel therefore submitted that the relief sought for by the petitioner is not sustainable.



3.Per contra, the learned counsel appearing for the petitioner submitted that the vehicle was seized on 24.11.2020 and for the last 4 ½ months, the vehicle has not been handed over to the petitioner.

4.Taking into consideration the facts and circumstances of the case and the nature of allegations made against the petitioner, there shall be a direction to the respondents to release the vehicle to the petitioner subject to the following terms and conditions.

- a) The petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) before the first respondent.
- b) The petitioner shall surrender the original RC Book before the first respondent and it shall be kept in the custody of the first respondent till the completion of the confiscation proceedings.
- c) The first respondent shall immediately proceed further with the confiscation proceedings by issuing notice to the petitioner and affording him an opportunity and final order shall be passed strictly within a period of eight weeks from the date of receipt of a copy of this order and
- d) The petitioner shall give an undertaking before the first respondent to the effect that the vehicle will be surrendered in case order of confiscation is ultimately passed by the first respondent.

5.The petitioner is directed to make a fresh representation to the respondents along with the copy of this order.

6.This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 District Revenue Officer,
Theni District,
Theni.

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

+1cc to The Special Government Pleader in SR.No.16953

W.P (MD) No.3498 of 2021
Dated 19.04.2021

vrn

AE/ 24.05.2021/3P/4C