



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P. (MD) No.3806 of 2021

Shiek Mohamed

...Petitioner

Vs.

1.The District Revenue Officer,
Nagercoil,
Kanniyakumari District.

2.The Inspector of Police,
Civil Supplies C.I.D.,
Kuzhithurai,
Kanniyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to release the Auto Rickshaw bearing registration No.TN-75-M-1946, seized by the second respondent on 25.11.2019, to the petitioner.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.M.Muniasamy
Additional Government Pleader

O R D E R

This writ petition has been filed for the issuance of Writ of Mandamus, directing the first respondent to release the Auto Rickshaw that was seized from the petitioner in the course of investigation in Crime No.187 of 2019, which was registered by the second respondent for the alleged offences under Sections 17 of TNK (RT) Order 1973 r/w. 7(1)(a)(ii) of Essential Commodities Act, 1955.

2.The learned Additional Government Pleader appearing on behalf of the respondents submitted that second respondent has already referred the matter for initiation of confiscation proceedings before the first respondent under Section 6 A of the Essential Commodities Act.

3.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.

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

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

Sd/-

Assistant Registrar ()

// 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.

TM

To

1. The District Revenue Officer,
Nagercoil,
Kanniyakumari District.
2. The Inspector of Police,
Civil Supplies C.I.D.,
Kuzhithurai,
Kanniyakumari District.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-16866[F] dated 21/04/2021)

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