



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.5074 of 2021
(Through Video Conference)

M.Zeenath

...Petitioner

Vs.

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

2) The Inspector of Police,
Civil Supplies CID,
Kuzhiturai Unit SPT,
Kuzhiturai, Kanyakumari District.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to release the petitioner's vehicle Hyundai i10 bearing Regn.No.KL19A3635 which was seized on 04-12-2020 by the 2nd respondent within the time stipulated by this Court.

For Petitioner : Mr.R.M.Suresh

For Respondents : Mr.S.Angappan,
Government Advocate

O R D E R

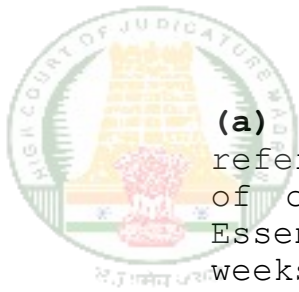
This Writ Petition has been filed for the issue of a Writ of Mandamus directing the second respondent to release the vehicle that was seized by the second respondent in the course of investigation in Crime No.185 of 2020 for an offence under section 6(4) of TN Scheduled Commodities (RDCS) order 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955.

2. The learned Government Advocate appearing on behalf of the respondents submitted that the second respondent is yet to refer the case for initiation of confiscation proceedings by the first respondent. The learned counsel further submitted that the vehicle is in possession of the second respondent.

4. Heard Mr.R.M.Suresh, learned counsel for the petitioner and Mr.S.Angappan, learned Government Advocate appearing on behalf of the respondents.

5. Taking into consideration the facts and circumstances of the case, this Writ Petition is disposed of with the following directions:-

<https://hcservices.ecourts.gov.in/hcservices/>



(a) The second respondent is directed to immediately refer the matter to the first respondent for initiation of confiscation proceedings under Section 6(A) of the Essential Commodities Act, within a period of two(02) weeks from the date of receipt of a copy of this order;

(b) The petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) before the first respondent;

(c) The petitioner shall deposit the original Registration Certificate of the vehicle before the first respondent, pending the confiscation proceedings; and

(d) The petitioner shall give an undertaking before the first respondent not to alienate the vehicle and to produce the vehicle, subject to the result of the confiscation proceedings.

However, there shall be no order as to costs.

Sd/-

Assistant Registrar (T&P)

// 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,
Nagercoil,
Kanyakumari District.
- 2) The Inspector of Police,
Civil Supplies CID,
Kuzhiturai Unit SPT,
Kuzhiturai, Kanyakumari District.

+1 CC to M/s.SPL GP (SR-17151[F] dated 22/04/2021)

Order made in

W.P. (MD) No.5074 of 2021

Dated:

21.04.2021

RK (10.05.2021) 2P 4C