



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 26.08.2021**

**CORAM**

**THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY**

**W.P(MD)No.4188 of 2021**

**WEB COPY**  
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... Petitioner

**Vs.**

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

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

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to release the petitioner's Bolero Pickup Car Bearing registration No.KL 37 A 5255, seized by the 2nd respondent police, by consider the Petitioner's representation dated on 23.02.2021, within a time stipulated by this Court.

For Petitioner : Mr.Vikram.S.  
For Respondents : Mr.P.Subbaraj  
Counsel for State

**ORDER**

The petitioner seeks release of the Bolero Pickup Car bearing Registration No.KL-37-A-5255.

2.The petitioner states that he is the owner of the aforesaid vehicle. On 27.11.2020, it is stated that the vehicle was seized by the second respondent on the ground that it was used for the unlawful transportation of PDS rice. The petitioner claims that the seizure was unlawful and that the condition of the vehicle is deteriorating.

3.Mr.P.Subbaraj, learned Counsel for the State, appears on behalf of the respondents. He relies upon the counter affidavit filed by the second respondent. In such counter, it is stated that



the petitioner has an alternative statutory remedy and can file an appeal against the confiscation before the competent authority.

4. Although the petitioner seeks release of the vehicle, such release cannot be ordered in these proceedings in the absence of all the relevant facts pertaining to the quantity and value of the seized commodity. However, the petitioner's submission that the condition of the vehicle would deteriorate unless orders are passed on the application for release cannot be disregarded.

5. Accordingly, without going into the merits of the matter, the first respondent is directed to consider the petitioner's application for release of the vehicle and dispose of the same by a reasoned order within a period of thirty days from the date of receipt of a copy of this order. Such reasoned order shall be passed after providing a reasonable opportunity to the petitioner. In case the first respondent is inclined to order the release of the vehicle, appropriate safeguards may be incorporated in such order so as not to prejudice the pending criminal proceedings. W.P.(MD).No.4188 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,  
Theni District.



2.The Inspector of Police,  
Civil Supplies Crime Investigation Department,  
Madurai Range,  
Uthamapalaym,  
Theni District.

WEB COPY

+1 CC to M/s.SPL GP (SR-27516[F] dated 27/08/2021)

W.P(MD) No.4188 of 2021  
26.08.2021

DJ(CO)  
SB(03.09.2021) 3P 4C