



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.04.2021**

CORAM

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

W.P. (MD)No.4651 of 2021

Anish

.. Petitioner

Vs.

1.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

2.The Inspector of Police,
CSCID,
Tirunelveli,
Tirunelveli District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to release the petitioner's vehicle namely TATA Goods Carrier, bearing Registration Number TN 58 S 6321 to the petitioner forthwith.

For Petitioner

: Mr.T.Selvakumaran

For Respondents

: Mr.M.Rajarajan,

Additional Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to release the vehicle of the petitioner, which was seized by the second respondent on the ground that the petitioner had illegally transported PDS rice.

2. The case of the petitioner is that the second respondent had seized the goods carrier vehicle of the petitioner on the ground that the petitioner had illegally transported the PDS rice. Subsequently, an FIR came to be registered by the second respondent in Crime No.233 of 2020 for offences under Section 6(4) of the Scheduled Commodities (RDCS) Order, 1982 and Section 7(1)(a)(ii) Essential Commodities Act, 1955.

3. The grievance of the petitioner is that the vehicle has been illegally retained by the respondents without following the procedure and therefore, the present Writ Petition has been filed seeking for the return of the vehicle.

4. The learned Additional Government Pleader appearing on behalf of the respondents submitted that the first respondent is yet to initiate confiscation proceedings. It was further submitted that the vehicle was seized by the second respondent in the course of



investigation and hence, the petitioner has to only move an application before the concerned Magistrate Court, seeking for the return of the vehicle.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Additional Government Pleader, the second respondent is directed to immediately hand over the vehicle before the concerned Magistrate Court and liberty is granted to the petitioner to seek for the return of the vehicle, by filing an application under Section 451 of Cr.P.C., before the concerned jurisdictional Magistrate Court and work out his remedy in accordance with law. Except giving this liberty, no further orders can be passed in this writ petition.

6. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AS)

// 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,
Tirunelveli District,
Tirunelveli.

2.The Inspector of Police,
CSCID,
Tirunelveli,
Tirunelveli District.

+1 CC to M/s.T.SELVAKUMAR, Advocate (SR-15745[F] dated 09/04/2021)

+1 CC to M/s.SPL GP (SR-15857[F] dated 15/04/2021)

W.P. (MD)No.4651 of 2021
09.04.2021

VR(CO)

KB(24.04.2021) 2P 5C

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