



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.6765 of 2021

WEB COPY

D.Palani Thangam

... Petitioner

Vs.

1. The District Revenue Officer,
Thoothukudi District,
Thoothukudi.

2. The Inspector of Police,
CSCID Police Station,
Thoothukudi, Thoothukudi District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the petitioner's vehicle namely TATA ACE bearing registration No.TN-72-AH-1784.

For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.R.Baskaran,
Counsel for State

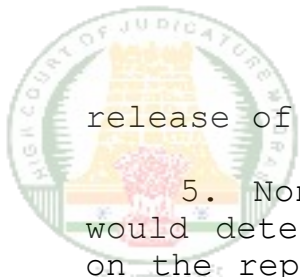
O R D E R

The petitioner seeks the release of a TATA ACE vehicle bearing registration No.TN-72-AH-1784.

2. The petitioner states that the vehicle owned by him was seized on 06.02.2021 on the alleged ground that it was used for unlawful transportation of PDS rice. In spite of submitting a representation on 18.03.2021 for the release of the vehicle, it is stated that the first respondent has failed to release the vehicle.

3. Mr.R.Baskaran, learned counsel for the State, appears on behalf of both the respondents and states that a criminal prosecution has been instituted in Crime No.17 of 2021 and that the vehicle has been seized and is being retained on such account.

4. From the averments in the affidavit and the documents filed in support thereof, it is clear that the petitioner is the registered owner of the vehicle. The documents also disclose the registration of a FIR in connection with the seizure of PDS rice. However, it is unclear as to whether any confiscation proceedings were initiated pursuant to such seizure. When material facts and documents are not available in this regard, a mandamus to direct the



release of the vehicle cannot be ordered.

5. Nonetheless, the petitioner's contention that the vehicle would deteriorate and depreciate in value unless orders are passed on the representation cannot be disregarded. Accordingly, the first respondent is directed to consider the petitioner's representation dated 18.03.2021 and dispose of the same by a reasoned order within a period of one month from the date of receipt of a copy of this order. In the event the first respondent is inclined to release the vehicle, appropriate safeguards may be incorporated so as to ensure that no prejudice is caused as regards the pending criminal proceedings.

6. W.P.(MD).No.6765 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn
To

1. The District Revenue Officer,
Thoothukudi District,
Thoothukudi.
2. The Inspector of Police,
CSCID Police Station,
Thoothukudi, Thoothukudi District.

+1 CC to M/s.GP (SR-25083[F] dated 03/08/2021)

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-25135[F] dated 03/08/2021)

W.P. (MD)No.6765 of 2021

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