



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2021

CORAM:

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.8628 of 2021

Vishnu

... Petitioner

Vs.

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

2.The Inspector of Police,
CSCID,
Kuzhithurai,
Kanniyakumari District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the first respondent to release the Swaraj Mazda Tempo bearing registration No.KL-01-T-2477 seized by the second respondent on 13.02.2021, to the petitioner.

For Petitioner : Mr.T.Selvakumaran

For Respondent : Mr.M.Rajarajan
Additional Government Pleader

ORDER

This writ petition has been filed for the issuance of Writ of Mandamus, directing the respondents to release the vehicle belonging to the petitioner in his capacity as the agreement holder.

2.The case of the petitioner is that his vehicle was seized by the second respondent on 13.02.2021 and an FIR came to be registered in Crime No.23 of 2021 for the offences under Section 6(4) of the Scheduled Commodities (RDCS) Order, 1982 and Section 7 (1) (a) (ii) Essential Commodities Act, 1955.

3.The further case of the petitioner is that the vehicle has not been released till date and it is being kept in the Police Station exposed to rain and sun. The petitioner has also made a representation to the respondents seeking for the release of the vehicle and since the same was not acted upon, the present writ petition has been filed before this Court, seeking for appropriate directions.



4.Heard Mr.T.Selvakumaran, learned counsel for the petitioner and Mr.M.Rajarajan, learned Additional Government Pleader, for the respondents.

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5.The learned Additional Government Pleader submitted that after the vehicle was seized by the second respondent, confiscation proceedings are yet to be commenced before the first respondent.

6.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.10,000/- (Rupees Ten Thousand only) before the first respondent.

b) The petitioner shall surrender all the relevant documents 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.

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

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

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

To

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

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



2.The Inspector of Police,
CSCID,
Kuzhithurai,
Kanniyakumari District.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-17795[F] dated
28/04/2021)

+1 CC to M/s.SPL GP (SR-17911[F] dated 28/04/2021)

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27.04.2021

GS (8.06.2021) 3P 5C