



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2021

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.9850 of 2021

Thangam

... Petitioner

vs.

1)The District Revenue Officer,
Madurai,
Madurai District.

2)The Inspector of Police,
Civil Supplies C.I.D.,
Madurai District.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 1st respondent to release the Bolero Maxi Truck Plus vehicle bearing registration No.TN-76-AY-8610 seized by the 2nd respondent on 16.03.2021 to the petitioner.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.P.Thilak Kumar

Counsel for Government of Tamil Nadu

ORDER

By consent, the writ petition itself is taken up for final disposal.

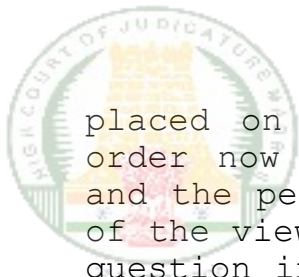
2.This Writ Petition has been filed for a direction to the 1st respondent to release the Bolero Maxi Truck Plus vehicle bearing registration No.TN-76-AY-8610 seized by the 2nd respondent on 16.03.2021 to the petitioner.

3.Heard the learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Counsel who takes notice for the respondents.

4.The petitioner's vehicle was seized in connection with illegal transportation of 25 bags of rice. After seizure, the 2nd respondent registered a case in Crime No.41 of 2021 for the alleged offences under Section 6(4) of TNSC (RDCS) Order 1982 read with Section 7(1)(a)(ii) of Essential Commodities Act, 1955 and the vehicle was produced before the 1st respondent. The enquiry in this regard is still pending. The learned counsel for the petitioner affirms before this Court that the petitioner's vehicle was not involved in any previous incident of this nature.

5.The submission of the learned counsel for the petitioner is

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placed on record. If this submission turns out to be false, the order now passed by this Court would stand automatically recalled and the petitioner will be visited with serious consequences. I am of the view that no purpose will be served by keeping the vehicle in question in the custody of the respondents. If the vehicle is kept in open space and exposed to sun light and rain, it would lose its value. Therefore, the respondents are directed to release the said vehicle subject to the following conditions.

(i)The petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172);

(ii)The petitioner is directed to file an affidavit of undertaking that he will cause production of the vehicle in question before the competent/concerned respondent (as the case may be) as and when called for and further, he will not alienate the vehicle in question till the appropriate proceedings initiated are completed;

(iii) On compliance of the above conditions, the 1st respondent is directed to release the seized vehicle bearing Registration No.TN-76-AY-8610 to the petitioner.

(iv)The first respondent is directed to pass final orders in the adjudication proceedings, if any, within a period of 45 days; and

(v)This order for the release of the vehicle can be pressed into service by the petitioner only if the vehicle is not in the custody of the criminal Court. If the vehicle is in the custody of the concerned criminal Court of appropriate jurisdiction, then option is given to the petitioner to approach the concerned Judicial Magistrate to get release of the vehicle, by filing necessary application in the manner known to law and in accordance with law.

6.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// 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.

WEB COPY

To

1) The District Revenue Officer,
Madurai,
Madurai District.

2) The Inspector of Police,
Civil Supplies C.I.D.,
Madurai District.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-18840[F] dated
07/06/2021)

ORDER MADE IN
W.P(MD)No.9850 of 2021
DATED : 07.06.2021

CN(15.06.2021) 3P 4C