



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P. (MD) No.11026 of 2021

Prabhu

...Petitioner

Vs.

1.The District Revenue Officer,
Nagercoil
Kanyakumari District.

2.The Inspector of Police,
Civil Supplies C.I.D.,
Kuzhithurai at Nagercoil
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to release the Ashok Leyland Lorry bearing Registration No.TN-75-U-4092 seized by the second respondent on 25.06.2021 to the petitioner.

For Petitioner	: Mr.T.Leninkumar
For Respondents	: Mr.M.Lingadurai Government Advocate

O R D E R

This writ petition has been filed for the issuance of Writ of Mandamus, directing the 1st respondent to release the vehicle belonging to the petitioner by considering his representation dated 28.06.2021.

2.The case of the petitioner is that he is the owner of the subject vehicle and this vehicle was seized by the second respondent on 25.06.2021 and an FIR came to be registered in Crime No.75/2021 for offences under Sections 6(4) of TNSC (RDCS) Order 1982 r/w 7(1) a(ii) of Essential Commodities Act 1955.

3. The grievance of the petitioner is that the vehicle has been exposed to rain and shine and till date the vehicle has not been returned back to the petitioner. The petitioner therefore made a representation on 28.06.2021 and since the same was not acted upon, left with no other alternative, the present writ petition came to be filed before this Court seeking for appropriate directions.

4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.



5. The learned Government Advocate appearing on behalf of the respondents submitted that second respondent has already referred the matter before the first respondent to initiate confiscation proceedings and the same is pending.

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.15,000/- (Rupees fifteen Thousand only) before the first respondent.

b) The petitioner shall surrender the original RC Book 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 a copy of this order.

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

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

RR

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,
Nagercoil
Kanyakumari District.

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



2.The Inspector of Police,
Civil Supplies C.I.D.,
Kuzhithurai at Nagercoil
Kanyakumari District.

WEB COPY

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