



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P(MD)No.12809 of 2021

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Muthupandi

... Petitioner

vs.

1.The Senior Regional Manager
cum the District Revenue Officer,
Tamil Nadu Civil Supplies Corporation,
Thanjavur Region,
Thanjavur District.

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

3.The District Revenue Officer,
Thanjavur,
Thanjavur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to release the vehicle bearing Registration No.TN 48 -F-9556 (Lorry) along with paddy weighing 19 Tons and 760 Kgs. to the petitioner forthwith.

For Petitioner : Mr.S.Venkatesan
For Respondents : Mr.R.Vijayakumar for R1
Mr.M.Lingadurai for R2 and R3
Government Advocate

O R D E R

This writ petition has been filed for the issue of a writ of Mandamus directing the respondents to release the vehicle belonging the petitioner along with the paddy.

2.The case of the petitioner is that his vehicle was seized by the second respondent, on 27.06.2021, along with paddy and an FIR came to be registered in Crime No.88 of 2021 for the offences under Section 4 of the T.N.Essential Trade (Regulation Order), 1984 and Section 7 (1) (a) (2) of Tamilnadu Essential Commodities Act, 1955.

3.The further case of the petitioner is that the vehicle along with paddy 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 along with paddy 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.S.Venkatesan, learned counsel for the petitioner, Mr.R.Vijayakumar, learned counsel for the first respondent and Mr.M.Lingadurai, learned Government Advocate, for the respondents 2 & 3.

5.When the matter was taken up for hearing today, the learned Government Advocate appearing on behalf of the respondents submitted that the paddy has already been safely secured and kept in the Godown. The learned Government Advocate further submitted that the vehicle is in possession of the second respondent and the second respondent is yet to refer the matter to the third respondent to initiate confiscation proceedings.

6.In the considered view of this Court, the petitioner will have to independently work out his remedy insofar as the return of the paddy is concerned.

7.Taking into consideration the facts and circumstances of the case and also the fact that the vehicle will be unnecessarily exposed to rain and shine, this Court is inclined to consider for the release of the vehicle to the petitioner subject to the following terms and conditions.

a) The petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) before the third respondent.

b) The petitioner shall surrender all the relevant documents before the third respondent and it shall be kept in the custody of the third respondent till the completion of the confiscation proceedings.

c)The third 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 four weeks from the date of receipt of a copy of this order and

d)The petitioner shall give an undertaking before the third respondent to the effect that the vehicle will be surrendered in case order of confiscation is ultimately passed by the third respondent.

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

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

Sd/-

Assistant Registrar (CRL)

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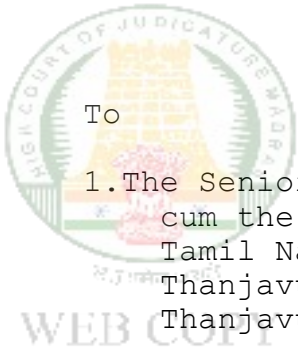
/ /2021

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.

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



To

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Thanjavur District.

3.The District Revenue Officer,
Thanjavur,
Thanjavur District.

+1CC to Mr.R.Vijayakumar, Advocate (SR24150)
+1CC to Special Government Pleader (SR24384)

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RS (06.08.2021) 3P-6C