



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2021

CORAM :

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

W.P. (MD) .No.12985 of 2021

K.Selvaraj

...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: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to release the vehicle bearing registration No. TN 57 - B - 7257 (Lorry) along with 288 bags paddy to the Petitioner forthwith.

For Petitioner : Mr.S.Venkatesan

For Respondents : Mr.M.Lingadurai
Government Advocate

ORDER

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

2.The case of the petitioner is that his vehicle was seized by the second respondent, on 24.06.2021, along with paddy.

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 and Mr.M.Lingadurai, learned Government Advocate, for the respondents.

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 third 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.10,000/- (Rupees Ten Thousand only) to the credit of Government of Tamil Nadu, Chief Minister's Public Relief Fund, in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172).

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 eight 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 (AD-II)

// True Copy //

WEB COPY

/ /2021

Sub Assistant Registrar(CS)

TM/MPK

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 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.

Copy to

The Officer Incharge,
Chief Ministers Public Relief Fund.
Secretariat, Chennai 600 009.

W.P. (MD) .No.12985 of 2021

Dated:29.07.2021

RK (06.08.2021) 3P 5C