



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2021

CORAM

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD) No.13515 of 2021

WEB COPY

Anand

... Petitioner

Vs.

1. The Senior Regional Manager
cum The District Revenue Officer,
Thanjavur Region,
Thanjavur District.

2. The District Revenue Officer,
Thanjavur,
Thanjavur District.

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

... Respondents

PRAYER: Writ 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 74-L-2223 (Lorry) along with paddy weighing 12 Tons to the petitioner forthwith.

For Petitioner	:	Mr. S.Venkatesan
For Respondents	:	Mr. P.Subbaraj Counsel for State

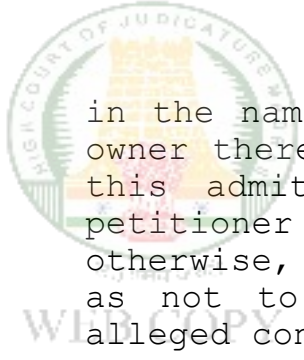
O R D E R

The petitioner seeks release of a lorry bearing registration No.TN-74-L-2223.

2. It is stated that the petitioner had hired aforesaid lorry from the owner thereof for purposes of transporting paddy. However, the lorry was seized on the allegation that it was used to illegal transport an essential commodity. On such basis, a FIR was registered in Crime No.95/2021 on 29.06.2021.

3. The petitioner states that in spite of submitting a representation on 07.07.2021, no action has been taken to release the vehicle. As a consequence, the condition of the vehicle is deteriorating and the paddy would also be completely damaged.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents.



in the name of D.Annalakshmi. Therefore, the petitioner is not the owner thereof and is only a person who has hired the vehicle. Given this admitted position, the vehicle cannot be released to the petitioner without putting the registered owner on notice. Even otherwise, appropriate safeguards would have to be incorporated so as not to prejudice the pending proceedings in relation to the alleged contravention of the Essential Commodities Act 1955.

6. Accordingly, without going into the merits of the matter, the second respondent herein is directed to consider the petitioner's representation dated 17.07.2021 and pass a reasoned order thereon within a period of 30 days from the date of receipt of a copy of this order. Such reasoned order shall be passed after providing a reasonable opportunity both to the petitioner and to the registered owner of the vehicle.

7. W.P.(MD).No.13515 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn

To

1. The Senior Regional Manager
cum The District Revenue Officer,
Thanjavur Region,
Thanjavur District.

2. The District Revenue Officer,
Thanjavur,
Thanjavur District.

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

+1 CC to M/s.GP (SR-25527[F] dated 06/08/2021)

W.P.(MD).No.13515 of 2021

MGJ(12.08.2021) 2P 5C