



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2021

CORAM:

THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD) .No.13193 of 2021

WEB COPY

Muthuselvan

... Petitioner

Vs.

1.The District Revenue Officer,
Thoothukudi,
Thoothukudi District.

2.The Inspector of Police,
Civil Supplies CID.,
Thoothukudi.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the first respondent to release the Ashok Leyland Vehicle bearing Registration No.TN-72-AP-5047 seized by the second respondent on 16.12.2020, to the petitioner.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.R.Baskaran

Standing Counsel for Government

ORDER

The petitioner seeks release of a vehicle bearing Registration No.TN-72-AP-5047, which was seized by the second respondent on 16.12.2020.

2. The affidavit discloses that the vehicle was seized on the ground that it was used to transport 65 bags of PDS rice. It is further evident from the affidavit that a case has been registered in Crime No.154 of 2020 for alleged offences under Sections 6 (4) of TNSC (RDCS) Order 1982 r/w 7 (1) (a) (ii) of the Essential Commodities Act, 1955.

3. The Registration Certificate pertaining to the aforesaid vehicle indicates that the vehicle is registered in the name of Mr.E.Ganesan and not in the name of the petitioner. Nonetheless, the petitioner relies upon an agreement dated 01.10.2020 between the petitioner and the said E.Ganesan in terms of which the petitioner claims to have purchased the vehicle from the said E.Ganesan.

4. The petitioner states that a detailed representation was made on 08.06.2021 to the first respondent seeking release of the vehicle, but the first respondent failed to take any steps to



release the vehicle.

5. The petitioner further states that the vehicle is being exposed to the elements and would considerably deteriorate unless the vehicle is released to the petitioner, albeit subject to terms.

6. Mr.R.Baskaran, learned Standing Counsel for the State accepts notice on behalf of both the respondents and submits that appropriate action would be taken by the authority concerned within a reasonable time frame if so directed by this Court.

7. Given the fact that the Registration Certificate is not in the name of the petitioner, an interim or final order of the kind prayed for by the petitioner cannot be granted. In other words, the petitioner would be required to demonstrate his ownership over the vehicle before the authority concerned before the vehicle could be directed to be released even on provision of security in such regard. However, the contention of the petitioner that the vehicle would deteriorate in condition and that the value thereof would depreciate unless the petitioner's representation is acted upon urgently is a valid contention.

8. Accordingly, without going into the merits of the matter, the first respondent is directed to consider the petitioner's representation dated 08.06.2021 and initiate and conclude an inquiry in such regard within a period of one month from the date of receipt of a copy of this order. Before concluding such inquiry, the first respondent shall provide a reasonable opportunity both to the petitioner and to Mr.E.Ganesan in whose name the vehicle is registered. Such order shall also be passed after making provision for appropriate security in accordance with law.

9. W.P.(MD).No.13193 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)

tsg

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,
Thoothukudi,
Thoothukudi District.

2.The Inspector of Police,
Civil Supplies CID.,
Thoothukudi.

+1 CC to M/s.GP (SR-25070[F] dated 03/08/2021)

W.P. (MD) .No.13193 of 2021
02.08.2021

RD(10.08.2021) 3P 4C