



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2021

CORAM :

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

W.P. (MD) .No.13257 of 2021

Raja

... Petitioner

- Vs -

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

2.The Special Tahsildar,
Thoothukudi.

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

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to release Ashok Leyland Dost bearing Registration No.TN-65-T-1298 seized by the Second Respondent on 13-01-2021 to the petitioner.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.M.Lingadurai
Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the 1st respondent to release Ashok Leyland Dost bearing Registration No.TN-65-T-1298 seized by the Second Respondent on 13-01-2021 to the petitioner.

2.The case of the petitioner is that he is an agreement holder of the above said vehicle. On 13.01.2021, the 2nd respondent seized his vehicle on the allegation that the vehicle was used to transport 28 bags of rice. After seizure, the 2nd respondent produced the vehicle to the third respondent and the third respondent registered a case in Cr. No.5 of 2021 for the alleged offence under Section 6 (4) of the TNSC (RDCS) Order, 1982 r/w Section 7 (1) (a) (ii) Essential Commodities Act, 1955 and produced the same before the



first respondent. The petitioner made a representation dated 09.06.2021 to the first respondent seeking to release his vehicle, but there was no action taken. Since the vehicle has been kept in the open yard, it is deteriorating day-by-day as the vehicle is exposed to sun and rain. Hence, this writ petition.

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3.The learned Government Advocate submitted that the vehicle is in possession of the third respondent and the third respondent is yet to refer the matter to the first respondent to initiate confiscation proceedings.

4.Heard Mr.T.Lenin Kumar, learned counsel for the petitioner and Mr.M.Lingadurai, learned Government Advocate, for the respondents.

5.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 conditions.

a) The petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousands Only) to the credit of the Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSCCode: IOBA0001172), without prejudice to his rights and contentions and produce the proof for the same before the first respondent.

b) The petitioner is directed to produce all the documents pertaining to the ownership of the seized vehicle.

c)The petitioner is directed to file an affidavit of undertaking that he will cause production of the vehicle in question before the competent/concerned respondent (as the case may be) as and when called for and further, he will not alienate the vehicle in question till the appropriate proceedings initiated are completed;

d) On compliance of the above conditions, the respondent concerned is directed to release the seized vehicle viz., Ashok Leyland Dost bearing Registration No.TN-65-T-1298, to the petitioner.

e) The first respondent is directed to pass final orders in the adjudication proceedings, if any, within a period of 45 days;

f)This order for the release of the vehicle can be pressed into service by the petitioner only if the vehicle is not in the custody of the Criminal Court. If the vehicle is in the custody of the concerned criminal Court of appropriate jurisdiction, then option is given to the petitioner to approach the concerned Judicial Magistrate to get release of the vehicle, by filing necessary application in the manner known to law and in accordance with law; and

g) Inasmuch as the vehicle viz., Ashok Leyland Dost bearing Registration No.TN-65-T-1298, is seized by the second respondent on 13.01.2021, the aforesaid order is to be complied with within a period of one week, if no order of adjudication is passed as on



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

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// True Copy //

Sd/-

Assistant Registrar (AD II)

/ /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 District Revenue Officer,
Thoothukudi, Thoothukudi District.
- 2.The Special Tahsildar,
Thoothukudi.
- 3.The Inspector of Police,
Civil Supplies C.I.D.,
Thoothukudi District.
- 4.The Officer in Charge,
Chief Minister Public Relief Fund,
Indian Overseas Bank, Secretariat Branch,
Chennai-9.

+1 CC to M/s.GP (SR-24925[F] dated 02/08/2021)

W.P. (MD) .No.13257 of 2021

**Dated:
30.07.2021**

MGJ(12.08.2021) 3P 6C