



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.08.2021**

CORAM:

THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD) .No.13279 of 2021

WEB COPY

Suresh

... Petitioner

Vs.

1.The District Revenue Officer,
Nagercoil,
Kanyakumari District.

2.The Special Tahsildar / Taluk Supply Officer,
Kuzhithurai Taluk,
Kanyakumari District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents to release the petitioner's Ambassador Car bearing Registration No.KL294411, which was seized on 10.04.2021 by the second respondent.

For Petitioner : Mr.C.Mayilvahana Rajendran

For Respondents : Mr.R.Baskaran

Standing Counsel for Government

ORDER

The petitioner seeks release of an Ambassador Car bearing registration No.KL294411, which was seized on 10.04.2021 by the second respondent.

2. The petitioner asserts that he is the owner of the above mentioned car and that he purchased the same under agreement dated 01.04.2021 from Mrs.M.Shujah. Even before the transfer of the vehicle to his name as per the registration records, the vehicle was seized on 10.04.2021.

3. The petitioner states that the car was seized on the allegation that he had illegally transported 759 Kgs of PDS rice, which allegation is denied. The petitioner further states that he submitted a detailed representation to the first respondent on 13.04.2021 wherein he informed the first respondent that unless the car is released at an early date, the condition of the car would deteriorate and that heavy loss would be caused to the petitioner.

4. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of both the respondents and states that the

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



authority concerned would consider and dispose of the petitioner's representation within a reasonable time.

5. The records disclose that the registration certificate is in the name of Mrs.M.Shujah. Although the petitioner relies upon an agreement dated 01.04.2021, orders cannot be passed on such basis in proceedings under Article 226 of the Constitution which are decided on the basis of the affidavit evidence. At the same time, the contention of the petitioner that the condition of the car would deteriorate unless the car is released at an early date, albeit subject to the provision of adequate security, is a valid contention which cannot be disregarded.

6. Accordingly, the first respondent is directed to consider the petitioner's representation dated 13.04.2021, conduct an inquiry by issuing notice both to the petitioner and to Mrs.M.Shujah and conclude such inquiry by an reasoned order within a period of one month from the date of receipt of a copy of this order. If orders are to be passed for the release of the vehicle, it is made clear that the party in whose favour the vehicle is to be released should provide adequate security in accordance with law.

7. W.P.(MD).No.13279 of 2021 is disposed of on the above terms without any order as to costs.

Sd/-

Assistant Registrar (W)

// 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,
Nagercoil,
Kanyakumari District.



2.The Special Tahsildar / Taluk Supply Officer,
Kuzhithurai Taluk,
Kanyakumari District.

+1 CC to M/s.GP (SR-25056[F] dated 03/08/2021)

+1 CC to M/s.C.MAYIL VAHANA RAJENDRAN, Advocate (SR-25132[F] dated
03/08/2021)

W.P. (MD) .No.13279 of 2021

02.08.2021

LS (CO)
LR (10.08.2021) 3P 5C