



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2021

CORAM :

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

W.P. (MD) .No.13249 of 2021

Satheesh

... Petitioner

- Vs -

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

2.The Inspector of Police,
Civil Supplies C.I.D.,
Kuzhithurai at Nagercoil,
Kanniyakumari 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 the petitioner's Lorry bearing registration No.TN-75-R-1928 seized by the 2nd Respondent on 11-07-2021 to the petitioner.

For Petitioner	: Mr.T.Lenin Kumar
For Respondents	: Mr.M.Lingadurai
	Government Advocate

ORDER

This writ petition has been filed for the issuance of Writ of Mandamus, directing the 1st respondent to release the petitioner's Lorry bearing registration No.TN-75-R-1928 seized by the 2nd Respondent on 11-07-2021 to the petitioner.

2.The case of the petitioner is that he is an agreement holder of the above said vehicle. On 11.07.2021, the 2nd respondent seized his vehicle on the allegation that the vehicle was used to transport 500 bags of rice. After seizure, the 2nd respondent registered a case in Cr. No.90 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 19.07.2021 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.

3.The learned Government Advocate submitted that the vehicle is in possession of the second respondent and the second 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., Lorry bearing registration No.TN-75-R-1928, 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., Lorry bearing registration No.TN-75-R-1928, is seized by the second respondent on 11.07.2021, the aforesaid order is to be complied with within a period of one week, if no order of adjudication is passed as on today.

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

Sd/-

Assistant Registrar (ADII)

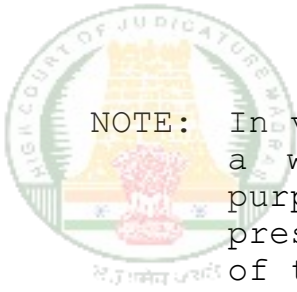
// True Copy //

/ /2021

Sub Assistant Registrar (CS)

TM/MPK

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



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.

WEB COPY

To

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

2.The Inspector of Police,
Civil Supplies C.I.D.,
Kuzhithurai at Nagercoil,
Kanniyakumari District.

Copy to

The Officer Incharge,
Chief Minister Public Relief Fund,
Secretariat,
Chennai 9

+1 CC to M/s.SPL GP (SR-24914[F] dated 02/08/2021)

W.P. (MD) .No.13249 of 2021
30.07.2021

KS (CO)
KB(12.08.2021) 3P 5C