



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.13572 of 2021

K.Murugan

... Petitioner

versus

1.The District Supply Officer,
Collectorate Complex,
Tenkasi District.

2.The Inspector of Police,
Civil Supplies C.I.D,
Tirunelveli Unit,
Madurai.
(In Crime No.69/2021)

3.The District Revenue Officer,
Tenkasi,
Tenkasi District.

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, directing the respondents herein to forthwith to release the petitioner Bolero Pickup bearing Registration No.TN-11-A-2365 from their custody on the basic of his representation dated 23.07.2021.

For Petitioner : Mr.C.Susi Kumar

For Respondents : Mr.R.Baskaran
Counsel for the state

ORDER

The petitioner seeks release of a Bolero Pickup vehicle bearing Registration No.TN-11-A-2365 based on his representation dated 23.07.2021.

2.The petitioner states that he is the registered owner of the aforesaid vehicle. On 15.04.2021, while his driver had taken the vehicle, the same was seized by the respondents on the alleged basis that it had been used for the unlawful transportation of PDS rice.

3. The petitioner states that the vehicle has not been released in spite of the submission of the representation dated 23.07.2021 and that the condition of the vehicle is continually deteriorating.

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

5. The facts on record disclose that there is a criminal proceeding in Crime No.69 of 2021 in relation to the alleged transportation of PDS rice by the petitioner. In these facts and circumstances, a mandamus cannot be issued for the release of the vehicle without assessment of the relevant facts. At the same time,

the petitioner's grievance that the condition of the vehicle would deteriorate unless the decision is taken quickly is a valid contention.

6. Accordingly, the third respondent herein is directed to consider the petitioner's representation for release of the vehicle and dispose of such representation within a period of 30 days from the date of receipt of a copy of this order. The third respondent shall dispose of the representation by a reasoned order after providing a reasonable opportunity to the petitioner herein. In the event that the third respondent is inclined to release the vehicle, appropriate safeguards should be incorporated so that the pending criminal proceedings are not prejudiced.

7. W.P.(MD).No.13572 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn

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 Supply Officer,
Collectorate Complex,
Tenkasi District.
- 2.The Inspector of Police,
Civil Supplies C.I.D,
Tirunelveli Unit,
Madurai.
- 3.The District Revenue Officer,
Tenkasi,
Tenkasi District.

+1 CC to M/s.GP (SR-25633[F] dated 09/08/2021)

W.P (MD) No.13572 of 2021

06.08.2021