



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD) .No.13404 of 2021

S.Kombaiya Pandi

...Petitioner

Vs.

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

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to release the TATA Ace Vehicle bearing Registration No.TN-96-D-5053 seized by the second respondent on 25.07.2021 to the petitioner.

For Petitioner : Mr.M.Veil Kani Raju

For Respondents : Mr.P.Subbaraj

Counsel for State

ORDER

The petitioner seeks release of a Tata Ace vehicle bearing Registration No.TN-96-D-5053, which was seized by the second respondent on 25.07.2021.

2. The petitioner states that he is the owner of the aforesaid vehicle. It is stated that the said vehicle was seized by the second respondent on 25.07.2021 on the allegation that it was used for the unlawful transportation of 250 Kgs. of PDS rice. The petitioner states that he did not use the vehicle for transporting PDS rice and that the vehicle was used for his milk vending business. The petitioner further states that he submitted a detailed representation to the first respondent seeking release of the vehicle, but no steps have been taken in relation to the petitioner's representation.

3. The petitioner also states that the condition of the vehicle is deteriorating because it is kept in an open yard and that he would be put to considerable hardship unless the vehicle is released within a reasonable time.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents and submits that the petitioner's representation would be considered and disposed of by the first



respondent within a reasonable time.

5. The documents filed by the petitioner indicate that the petitioner is the registered owner of the vehicle. It is also noticeable that a FIR has been registered in respect of the aforesaid alleged illegal transportation of PDS rice. In the circumstances, it is for the first respondent to take a decision on the release of the vehicle. Nevertheless, the contention that the vehicle would deteriorate in condition and possibly depreciate in value unless the decision is taken at the earliest cannot be disregarded.

6. Accordingly, the first respondent herein is directed to consider the application of the petitioner dated 25.07.2021 and take a reasoned decision thereon after providing a reasonable opportunity to the petitioner herein. Such reasoned decision shall be taken within a period of one month from the date of receipt of a copy of this order. In the event the first respondent intends to release the vehicle, appropriate safeguards may be incorporated so as to ensure that the pending criminal proceedings are not prejudiced.

7. W.P.(MD).No. 13404 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn

To

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

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

+1 CC to M/s.GP (SR-25367[F] dated 05/08/2021)

W.P.(MD).No.13404 of 2021
04.08.2021

RD(11.08.2021) 2P 4C