



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD).No.13286 of 2021

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... Petitioner

Vs

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

2.The Inspector of Polcie,
Civil Supplies C.I.D.,
Kuzhithurai at Nagarcoil,
Kanyakumari District.

... 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 MARUTHI VERSA plus Vehicle bearing Registration No.KL-08-AE-4982 seized by the second respondent on 07.07.2021, to the petitioner.

For Petitioner : Mr.T.Lenin Kumar
For Respondents : Mr.P.Subbaraj,
Counsel for State

ORDER

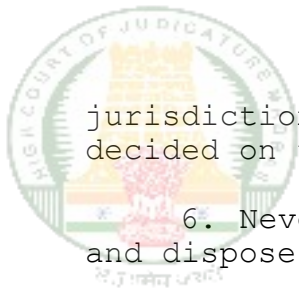
The petitioner seeks the release of a Maruthi Versa plus vehicle bearing Registration No.KL-08-AE-4982.

2. The petitioner states that he purchased the above mentioned vehicle under agreement dated 04.02.2021 from one Mr.Maheem Abu Baker. Even before the name transfer application could be submitted, the vehicle was seized on 07.07.2021 on the allegation that it was used to transport 20 bags of PDS rice.

3. The petitioner states that a case has been registered in Crime No.87 of 2021, and that the allegations against the petitioner are false. The petitioner also states that unless the vehicle is released quickly, the condition of the vehicle would deteriorate and its value would depreciate

4. Mr.R.Subbaraj, learned counsel for the State, accepts notice on behalf of the respondent and submits that the first respondent would consider and dispose of the representation of the petitioner within a reasonable time.

5. The records disclose that the above mentioned vehicle is registered in the name of Mr.Maheem Abu Baker. Therefore, as per the records of the registration authority, the petitioner is not the registered owner thereof. In such circumstances, a Mandamus cannot be issued for release of the vehicle in the exercise of extraordinary



jurisdiction under Article 226 of the Constitution, wherein cases are decided on the basis of affidavit evidence.

6. Nevertheless, the first respondent may be called upon to consider and dispose of the petitioner's request within a reasonable time frame.

7. Accordingly, the first respondent is directed to consider the petitioner's representation dated 20.07.2021 and dispose of the same by a reasoned order within a period of one month from the date of receipt of a copy of this order, after providing a reasonable opportunity of hearing both to the petitioner and to Mr.Maheem Abu Baker. In case the authority intends to release the vehicle, appropriate safeguards, including security, should be incorporated in such order so as to ensure that the pending criminal proceedings are not prejudiced.

8. W.P.(MD).No.13286 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To:

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

2.The Inspector of Polcie,
Civil Supplies C.I.D.,
Kuzhithurai at Nagarcoil,
Kanyakumari District.

+1CC to The Special Government Pleader (SR25079)

W.P. (MD) .No.13286 of 2021

02.08.2021

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RS (10.08.2021) 2P-4C