



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2021

CORAM

THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD)No.13914 of 2021

WEB COPY

R.Sundhar

... Petitioner

Vs.

1. The District Revenue Officer,
Theni, Theni District.

2. The Sub-Inspector of Police,
Uthamapalayam Police Station,
Theni District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the petitioner vehicle bearing registration No.TN-60-AU-6246 to the petitioner forthwith based on the petitioner's representation dated 27.07.2021.

For Petitioner	: Mr.P.Gunasekaran
For Respondents	: Mr.P.Subbaraj, Counsel for State

O R D E R

The petitioner seeks release of the TATA Pickup goods vehicle bearing registration No.TN-60-AU-6246.

2. The petitioner states that while he was carrying rice bags from Cumbum Town to Kerala State, his vehicle was intercepted by the second respondent on the alleged ground that he was illegally transporting PDS rice.

3. It is stated that his vehicle was seized and a case in Crime No.12/2021 was registered under the Essential Commodities Act, 1955 and the Tamil Nadu Scheduled Commodities (RDSCS) Order, 1982.

4. The petitioner contends that the condition of the vehicle is deteriorating on a day to day basis and therefore he require& urgent relief.

5. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the District Revenue Officer may be directed to dispose of the petitioner's representation expeditiously.



6. The documents on record indicate that the petitioner is the registered owner of the vehicle. However, without assessing all the relevant facts, a positive direction cannot be granted especially in view of the pending criminal proceedings. Nonetheless, the contention of the petitioner that the condition of the vehicle would deteriorate unless a decision is taken quickly is a valid contention.

7. Consequently, the petitioner is granted leave to submit a representation to the jurisdictional District Revenue Officer. Such representation shall be submitted within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the District Revenue Officer concerned is directed to consider such representation and dispose of the same by a reasoned order within a period of thirty (30) days from the date of receipt of such representation after providing a reasonable opportunity to the petitioner. In case the District Revenue Officer is inclined to direct the release of the vehicle, appropriate safeguards may be incorporated in the order so as to not prejudice the pending criminal proceedings.

8. Accordingly, W.P(MD).No.13914 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

To:

1. The Revenue Divisional Officer,
Theni, Theni District.

2. The Sub-Inspector of Police,
Uthamapalayam Police Station,
Theni District.

+1 CC to M/s.GP (SR-25896[F] dated 11/08/2021)

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