



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.08.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.13958 of 2021

Sathik Ali

... Petitioner

Vs.

1.The Revenue Divisional 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, praying this Court to issue a Writ of Mandamus, directing the respondents herein to release petitioner's vehicle bearing registration No.TN 60 U 0171 to the petitioner forthwith based on the petitioner's representation dated 27.07.2021.

For Petitioner : Mr.P.Gunasekaran
For Respondents : Mr.R.Baskaran,
Standing Counsel for State.

ORDER

The petitioner seeks release of the vehicle bearing Registration No.TN 60 U 0171.

2.The petitioner states that he is the owner of the Mahindra pickup goods vehicle bearing the aforesaid registration number. He states that he was carrying rice bags from Cumbum Town to Kerala State on 23.04.2021 when his vehicle was intercepted by the second respondent herein. He further states that the second respondent seized the vehicle on the allegation that he was illegally transporting PDS rice and that a case was registered in Crime No.55 of 2021 in connection with the transportation of PDS rice.

3.The petitioner states that the condition of his vehicle is deteriorating due to exposure to the elements and that he requires urgent relief.

4.Mr.R.Baskaran, learned Standing Counsel for the State, accepts notice on behalf of both the respondents. On instructions, he submits that the same vehicle was involved in an earlier incident pertaining to the illegal transportation of PDS rice. However,



learned counsel for the petitioner refutes the said contention on the basis that he was not carrying PDS rice either on the earlier occasion or on this occasion.

5.The relevant facts pertaining to the quantity and value of PDS rice are not on record in this proceeding. Therefore, it is not appropriate to issue a positive direction for the release of the vehicle. Nevertheless, the contention of the petitioner that the condition of the vehicle would deteriorate unless urgent orders are passed cannot be disregarded. The appropriate authority to consider an application in this regard is the relevant District Revenue Officer.

6.Accordingly, without going into the merits of the matter, the petitioner is granted leave to submit a representation to the District Revenue Officer concerned within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the District Revenue Officer is directed to consider and dispose of the representation for the release of the vehicle within thirty days from the date of receipt of such representation. In case the District Revenue Officer is inclined to direct release of the vehicle, appropriate safeguards should be incorporated so as to not prejudice the pending criminal proceedings. W.P.(MD).No.13958 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)

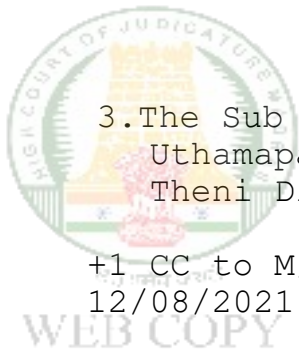
NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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

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

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



3.The Sub Inspector of Police,
Uthamapalayam Police Station,
Theni District.

+1 CC to M/s.The Special Government Pleader (SR-26076[F] dated
12/08/2021)

W.P (MD) No.13958 of 2021
11.08.2021

RS (24.08.2021) 3P 5C