



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2021

CORAM:

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) .No.13954 of 2021

WEB COPY

S.Susila

... Petitioner

Vs.

1.The District Revenue Officer,
District Collectorate Office,
Thanjavur District,
Thanjavur.

2. The Inspector of Police,
CSCID, Thanjavur,
Thanjavur District.
(Crime No. 166 of 2020)

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents to release petitioner ASHOK LEYLAND LTD/TUSKER SUPER bearing registration number TN-51-U-6537 bearing Chassis No.XVH081362 and bearing Engine No.XVH247422 seized on 12.12.2020 and keeping under the custody of the first respondent by considering petitioner representation dated 27.07.2021.

For Petitioner : Mr.C.S.Saravanan

For Respondents : Mr.R.Baskaran
Standing Counsel for the State

ORDER

The petitioner seeks release of the Ashok Leyland Tuskar Super vehicle bearing Registration No.TN 51 U 6537.

2. The petitioner states that she is the registered owner of the aforesaid vehicle. It is stated that the said vehicle was seized by the second respondent on 12.12.2020 on the allegation that it was used to transport PDS rice. It is stated that a case was registered in Crime No.166 of 2020.

3.The petitioner states that she would be put to considerable hardship and the condition of the vehicle would considerably deteriorate unless the vehicle is released quickly.

4.Although the documents on record indicate that the petitioner is the registered owner of the vehicle, all the relevant facts with regard to the quantity and value of the PDS rice which was transported in the petitioner's vehicle are not available on



record. Therefore, a positive direction of the kind prayed for by the petitioner cannot be granted by this Court. Nonetheless, the petitioner's contention that the condition of the vehicle would deteriorate unless urgent orders are passed cannot be disregarded.

5. Accordingly, without going into merits of the matter, the first respondent herein is directed to consider the petitioner's representation dated 27.07.2021 and dispose of the same by a reasoned order within a period of thirty (30) days from the date of receipt of a copy of this order. In case the first respondent is inclined to release the vehicle, adequate safeguards should be incorporated in the order so as to not prejudice the pending criminal proceedings.

6. W.P.(MD).No.13954 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
District Collector Office,
Thanjavur District,
Thanjavur.

2. The Inspector of Police,
CSCID, Thanjavur,
Thanjavur District.

+1 CC to M/s.C.S.SARAVANAN, Advocate (SR-25933[F] dated 11/08/2021)

+1 CC to M/s.GP (SR-26062[F] dated 12/08/2021)

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11.08.2021

RD(19.08.2021) 2P 5C