



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.14157 of 2021

A.Alexander

... Petitioner

Vs.

1.The District Supply Officer,
Kanyakumari District
at Nagercoil.

2.The Taluk Supply Officer,
Killiyur Taluk,
Kanyakumari 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 Auto bearing registration No.KL-21-C-5966 to the petitioner, seized on 23.07.2021, which is in the custody of the respondents.

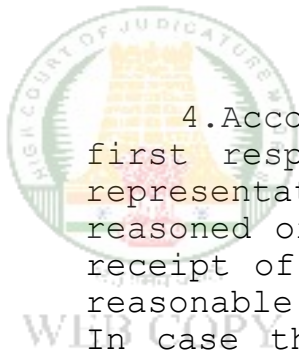
For Petitioner	: Mr.S.Sivakumar
For Respondents	: Mr.P.Subbaraj, Counsel for State

O R D E R

The petitioner seeks release of his Auto bearing registration No.KL-21-C-5966. The petitioner states that he is the registered owner of the aforesaid Auto. It is stated that the said Auto was seized on 23.07.2021 at Kirathur by the police officials attached to the Nithravilai Police Station. Accordingly to the petitioner, such seizure was on the basis of an allegation that the vehicle was used to carry 120 Kilo Grams of PDS rice. The petitioner denies the said allegation.

2.The petitioner states that the condition of the vehicle is deteriorating on a day to day basis and that unless it is released quickly, he will be put to great hardship.

3.The documents on record disclose that the petitioner is the registered owner of the vehicle. However, all material facts with regard to the quantity of PDS rice that was seized, the value thereof and any connected criminal proceedings are not on record. Therefore, a positive direction as prayed for cannot be granted. Nonetheless, the petitioner's contention that the condition of the vehicle is deteriorating on an ongoing basis cannot be disregarded.



4. Accordingly, without going into the merits of the matter, the first respondent herein is directed to consider the petitioner's representation dated 02.08.2021 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. The petitioner shall be provided a reasonable opportunity before the disposal of such representation. In case the first respondent is inclined to release the vehicle, appropriate safeguards may be incorporated in case there is a pending criminal proceeding in connection with the seizure of PDS rice.

5. W.P.(MD).No.14157 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To:

1. The District Supply Officer,
Kanyakumari District
at Nagercoil.

2. The Taluk Supply Officer,
Killiyur Taluk,
Kanyakumari District.

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-26117[F] dated 12/08/2021)

+1 CC to M/s.Special Government Pleader (SR-26047[F] dated 12/08/2021)

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