



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.14453 of 2021

Nishamol

... Petitioner

Vs.

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

2. The Inspector of Police,
Civil Supplies C.I.D.,
Kuzhithurai at Nagercoil,
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 Auto rickshaw bearing registration No.TN-74-AY-0759 seized by the second respondent on 02.08.2021, to the petitioner.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.P.Subbaraj, Counsel for the State.

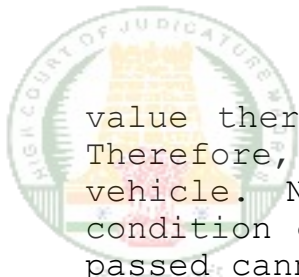
O R D E R

The petitioner seeks the release of the vehicle bearing registration No.TN-74-AY-0759.

2. The petitioner states that he is the registered owner of the vehicle described above. He states that the said vehicle was seized on 02.08.2021 by the second respondent on the allegation that it was used to transport ten bags of PDS rice. After such seizure, it is stated that a case was registered in Crime No.105/2021. Thereafter, the petitioner states that a detailed representation was submitted on 06.08.2021 to the first respondent seeking the release of the vehicle, but no action has been taken thereon. Meanwhile, it is stated that the condition of the vehicle is deteriorating and therefore urgent orders are warranted.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the first respondent may be directed to consider and dispose of the representation on merits.

4. The petitioner has enclosed the registration certificate, which indicates that he is the registered owner of the vehicle. However, the precise quantity of PDS rice which was seized, the



value thereof and other relevant facts are not before this Court. Therefore, a mandamus cannot be issued for the release of the vehicle. Nonetheless, the contention of the petitioner that the condition of the vehicle would deteriorate unless urgent orders are passed cannot be disregarded.

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5. 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 after providing a reasonable opportunity to the petitioner. In case the first respondent intends to release the vehicle, appropriate safeguards may be incorporated so as to ensure that no prejudice is caused as regards the pending criminal proceedings.

6. W.P(MD).No.14453 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

To:

1. The District Revenue Officer,
Nagercoil, Kanyakumari District.
2. The Inspector of Police,
Civil Supplies C.I.D.,
Kuzhithurai at Nagercoil,
Kanyakumari District.

+1 CC to M/s.GP (SR-26487[F] dated 17/08/2021)

W.P. (MD) No.14453 of 2021

16.08.2021

RD(24.08.2021) 2P 4C