



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.14819 of 2021

Kattaiah

... Petitioner

Vs.

1.The Senior Regional Manager,
cum the District Revenue Officer,
Tamil Nadu Civil Supplies Corporation,
Thanjavur Region,
Thanjavur District.

2.The Inspector of Police,
Civil Supplies C.I.D.,
Thanjavur 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 to release the vehicle bearing Registration No.TN 54-D-8118 (Lorry) to the petitioner forthwith.

For Petitioner : Mr.S.Venkatesan
For Respondents : Mr.R.Baskaran,
Counsel for State

ORDER

The petitioner seeks release of the lorry bearing Registration No.TN 54-D-8118.

2. According to the petitioner, one Mr.George Fernandas hired the petitioner's lorry for transporting paddy. During such transportation, on 23.06.2021, the second respondent stopped and seized the vehicle. Thereafter, the petitioner approached the second respondent and submitted all relevant documents and also provided an explanation. In spite of submitting a representation on 01.07.2021 to the first and second respondents, it is stated that no action has been taken thereon.

3. The petitioner states that the respondents should release the vehicle quickly; otherwise, the petitioner's livelihood is being affected.



4. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the first respondent may be directed to pass orders on the petitioner's representation within a reasonable time.

5. The documents on record disclose that the petitioner is the registered owner of the lorry. However, the precise quantity of PDS rice which was seized, the value thereof and other relevant facts are not before this Court. Therefore, a direction for release of the vehicle cannot be granted in these proceedings. Nevertheless, a decision with regard to the release of the vehicle should be taken by the first respondent expeditiously.

6. Accordingly, without going into the merits of the matter, the first respondent herein is directed to consider the petitioner's representation dated 01.07.2021 and pass a reasoned order thereon within a period of thirty (30) days from the date of receipt of a copy of this order. Such reasoned order shall be issued after providing a reasonable opportunity to the petitioner. In case the first respondent is inclined to direct the release of the vehicle, appropriate safeguards shall be incorporated in there is a pending criminal proceeding in relation to such seizure.

7. W.P(MD).No.14819 of 2021 is disposed of these terms without any order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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 Senior Regional Manager,
cum the District Revenue Officer,
Tamil Nadu Civil Supplies Corporation,
Thanjavur Region, Thanjavur District.



2.The Inspector of Police,
Civil Supplies C.I.D., Thanjavur District.

+1CC to M/s.SPL GP, SR.No.27210 dated 25.08.2021

W.P (MD) No.14819 of 2021
23.08.2021

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DJ(CO)
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