



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15115 of 2021

Raja

... Petitioner

Vs.

1.The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.

2.The Inspector of Police,
CSCID-Madurai,
Madurai District.
(Crime No.93 of 2021).

3.The Sub Inspector of Police,
CSCID-Ramanathapuram District,
Ramanathapuram.
(Crime No.93 of 2021)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to release the petitioner's vehicle, namely, Mahindra Supro Mini Truck, bearing Registration No.TN 65 AL 6606 and to hand over the same to the petitioner forthwith by considering the petitioner's representation dated 10.08.2021 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.M.S.Jeyakarthik
For R-1 to R-3 : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks the release of his Mahindra Supro Mini Truck bearing Registration No.TN 65 AL 6606. It is stated that the petitioner is the registered owner of the aforesaid vehicle. He had permitted the said vehicle to be taken on hire basis by a third party. On 24.07.2021, it is stated that the vehicle was seized on the ground of alleged illegal transportation of PDS rice. In spite of submitting a representation dated 10.08.2021 for the release of the vehicle, it is stated that no orders have been passed thereon.



2. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the first respondent may be directed to consider the representation dated 10.08.2021 and dispose of the same on merits.

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3. The petitioner has enclosed the Registration Certificate which indicates that he is the registered owner of the vehicle. However, it appears that a FIR has been registered in Crime No.93 of 2021. All the material facts relating to the quantity of PDS rice that was seized, the value thereof, etc are not before this court. Consequently, a positive direction for the release of the vehicle cannot be issued. Nevertheless, as stated by the petitioner, the condition of the vehicle would deteriorate unless action is taken on the request for the release quickly.

4. For reasons set out above, W.P.(MD)No.15115 of 2021 is disposed of by directing the first respondent to consider the petitioner's representation dated 10.08.2021 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. In case the first respondent is inclined to release the vehicle, appropriate safeguards may be incorporated in the order so as to ensure that the pending criminal proceedings are not prejudiced.

5. Accordingly, W.P.(MD).No.15115 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)

tsg/LM

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,
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Ramanathapuram.



2.The Inspector of Police,
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(Crime No.93 of 2021).

3.The Sub Inspector of Police,
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+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-27334[F] dated
25/08/2021)

+1 CC to M/s.GP (SR-27399[F] dated 26/08/2021)

W.P (MD) No.15115 of 2021
25.08.2021

ds (CO)
TR(02.09.2021) 3P 6C