



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.15435 of 2021

J.Sathik Ali

... Petitioner

Vs.

1.The District Revenue Officer,
Theni,
Theni District.

2.The Sub Inspector of Police,
Civil Supplies Crime Investigation Department,
Uthamapalayam Division,
Theni 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 herein to release the petitioner's vehicle bearing registration No.TN 60 W 9294 based on his representation dated 16.08.2021.

For Petitioner : Mr.P.Gunasekaran
For Respondents : Mr.K.S.Selvaganesan,
Counsel for State

ORDER

The petitioner seeks the release of the vehicle bearing Registration No.TN 60 W 9294. The petitioner states that he is the registered owner of the above mentioned vehicle, which is used to carry goods. It is stated that the said vehicle was carrying goods from Kambam Town to Kerala State when the same was intercepted by the second respondent on the alleged ground that it was used for the illegal transportation of PDS rice. It is also stated that a FIR was registered in Crime No.73/2021 under, *inter alia*, the relevant provisions of the Essential Commodities Act, 1955.

2.The petitioner states that the condition of his vehicle is deteriorating and that the vehicle has not been released in response to the representation dated 16.08.2021.

3.Mr.K.S.Selvaganesan, learned counsel for the State, accepts notice on behalf of both the respondents. He submits, on instructions, that there are three (3) cases pending against the petitioner herein in relation to similar offences.



4.All the material facts relating to the number of offences committed by the petitioner, the quantity and value of PDS rice, etc., are not available on record. Therefore, a mandamus for the release of the vehicle cannot be issued. Nevertheless, the petitioner's contention that the condition of the vehicle would deteriorate unless orders are passed in relation to his application cannot be disregarded.

5.Accordingly, W.P.(MD).No.15435 of 2021 is disposed of by directing the first respondent herein to consider the petitioner's representation dated 16.08.2021 and dispose of the same on merits and in accordance with law 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 should be incorporated so as not to prejudice the pending criminal proceedings. There will be no order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Theni,
Theni District.

2.The Sub Inspector of Police,
Civil Supplies Crime Investigation Department,
Uthamapalayam Division,
Theni District.

+1 CC to M/s.The Special Government Pleader (SR-28080[F] dated 03/09/2021)

**W.P (MD) No.15435 of 2021
01.09.2021**