



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD) NO. 15648 of 2021

WEB COPY

M. Ganesan

: Petitioner

.vs.

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

2. The Inspector of Police,
Civil Supplies CID,
Uthamapalayam,
Madurai Unit,
Theni District.
In Crime No. 107 of 2021

: 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 forthwith release the Petitioner's Mahindra Bolero Pickup bearing Registration No. KL-33-C-2557 from their custody on the basis of the Petitioner's representation dated 18.8.2021.

For Petitioner : Mr. N. Kamesh
For Respondents : Mr. K. S. Selvaganesan
Counsel for the State

O R D E R

The Petitioner seeks the release of the Mahindra Bolero Pick-up vehicle bearing Registration No. KL-33-C-2557.

2. The Petitioner states that he is the owner of the above mentioned vehicle. Such vehicle was being used by him for transporting Cardamom, Pepper, Tea and other products. On 7.8.2021, the Petitioner states that his driver had taken the vehicle for transporting agricultural products. Subsequently, the Petitioner came to know that the vehicle was seized by the respondents on the ground of alleged transporting of PDS rice. According to the Petitioner, he did not commit such offence and was not responsible for the same. In spite of submitting a representation on 18.8.2021 seeking release of the vehicle, the Petitioner states that no action was taken by the respondents.

<https://hcservices.ecourts.gov.in/hcservices/>

3. Mr. K. S. Selvaganesan, 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 Petitioner's representation within a reasonable time.

4. The Petitioner has enclosed the Registration Certificate of the vehicle which indicates that the said vehicle is registered in the Petitioner's name. It appears that the registration number of the vehicle was wrongly entered in the FIR as TN-33-C-2557 instead of the correct registration number being KL-33-C-2557.

5. All the relevant facts such as the quantity and value of PDS rice and other related aspects are not available on the record of this Court. Therefore, a direction for the release of the vehicle cannot be issued. However, the Petitioner's contention that his livelihood is dependent on the vehicle and that the condition of such vehicle would deteriorate unless a decision is taken quickly cannot be disregarded.

6. Therefore, without going into the merits of the matter, the first respondent herein is directed to consider the petitioner's representation dated 18.8.2021 and dispose of the same by a reasoned order within 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 is inclined to direct the release of the vehicle, appropriate safeguards shall be incorporated so as to ensure that the pending criminal proceedings are not affected.

7. W.P(MD) No.15648 of 2021 is disposed of on these terms, but without any order as to costs.

Sd/-

Assistant Registrar (CS I)

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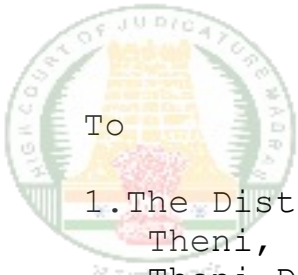
/ /2021

Sub Assistant Registrar (CS)

vsn

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 Inspector of Police,
Civil Supplies CID,
Uthamapalayam,
Madurai Unit,
Theni District.

+1 CC to M/s.SPL GP (SR-28064[F] dated 03/09/2021)

W.P (MD) No.15648 of 2021
02.09.2021

SRR(CO)
SB(14.09.2021) 3P 4C