



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD)No.15925 of 2021

WEB COPY

M.Chellaiya

... Petitioner

Vs.

1.The District Revenue Officer,
District Revenue Office,
Tuticorin,
Tuticorin District.

2.The Inspector of Police,
Civil Supplies C.I.D,
Tuticorin 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 first respondent to entrust the interim custody of the petitioner's vehicle Mahindra Bolero Maxi Truck bearing Registration No. TN-79-C-2784 to the petitioner, which is seized by in connection with Crime No.50 of 2021 on the file of the second respondent police by considering the petitioner's representation dated 21.08.2021.

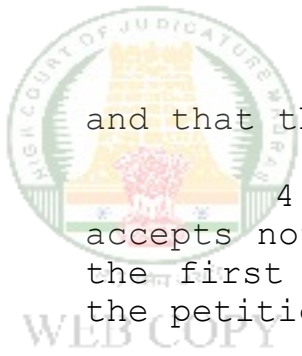
For Petitioner : Mr.R.Rajamohan
For Respondents : Mr.K.S.Selva Ganesan,
Counsel for State.

ORDER

The petitioner seeks the release of the Mahindra Bolero Maxi Truck bearing Registration No. TN-79-C-2784.

2. The petitioner states that the above mentioned vehicle is owned by him. On 04.06.2021, it is stated that the second respondent seized the vehicle on the ground of alleged illegal transportation of PDS rice. It is also stated that Crime No.50 of 2021 has been registered in this regard.

3. The petitioner denies that his vehicle was used for the illegal transportation of PDS rice. He states that the vehicle was used for carrying non PDS rice. It is also stated that the petitioner is dependent on the vehicle for his livelihood



and that the condition of the vehicle is deteriorating.

4. Mr.K.S.Selva Ganesan, 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 on merits.

5. The petitioner has enclosed the Registration Certificate, which indicates that he is the registered owner of the vehicle. All the material facts relating to the quantity of rice which was seized, the value thereof, etc are not available before this Court. Therefore, a direction for the release of the vehicle cannot be issued. Nonetheless, the petitioner's contention that his livelihood is being affected and that the condition of the vehicle is deteriorating merits consideration.

6. Accordingly, the first respondent herein is directed to consider the petitioner's representation dated 21.08.2021 and dispose of the same within a period of thirty (30) days from the date of receipt of a copy of this order. Such representation shall be disposed of by a reasoned order after providing a reasonable opportunity to the petitioner. In the event the first respondent is inclined to direct the release of the vehicle, appropriate safeguards shall be incorporated in such order so as to ensure that the pending criminal proceedings are not prejudiced.

7. W.P.(MD).No.15925 of 2021 stands disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS III)

// 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,
District Revenue Office,
Tuticorin,
Tuticorin District.

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

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-28472[F] dated 07/09/2021)

+1 CC to M/s.SPL GP (SR-28671[F] dated 09/09/2021)

**W.P (MD) No.15925 of 2021
07.09.2021**

NSN (CO)
SB(16.09.2021) 3P 5C