



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.15963 of 2021

WEB COPY

P.Krishnasamy

... 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 Force vehicle bearing Registration No.TN-72-AF-7651 to the petitioner, which is seized by in connection with Crime No.59 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 interim custody of the Force vehicle bearing Registration No.TN-72-AF-7651.

2. The petitioner states that he is the registered owner of the above mentioned vehicle and has a valid goods permit in respect thereof. On 22.06.2021, it is stated that the second respondent seized the vehicle on the allegation that it was used to illegally transport PDS rice. It is also stated that a case has been registered in Crime No.59 of 2021 in this connection.

3. The petitioner denies that the vehicle was used to illegally transport PDS rice. The petitioner also states that he is the 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. All the material facts relating to the quantity of PDS rice that was seized, the value thereof, etc are not available before this Court. Therefore, a direction for the grant of interim custody cannot be issued. Nevertheless, the petitioner's contention that the condition of the vehicle would deteriorate and that he is dependent on such vehicle for his livelihood merits consideration.

6. Accordingly, without going into the merits of the matter, the first respondent herein is directed to consider the petitioner's representation dated 21.08.2021 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 intends to release the vehicle, appropriate safeguards may be incorporated in the order so as to not cause prejudice to the pending criminal proceedings.

7. W.P.(MD).No.15963 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (W)

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

+1 CC to M/s.GP (SR-28837[F] dated 13/09/2021)

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-28594[F] dated 08/09/2021)

W.P (MD)No.15963 of 2021

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RD(22.09.2021) 2P 5C

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