



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2021

CORAM

THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD)No.16816 of 2021

S.Manikandan

... Petitioner

Vs.

1.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

2.The Inspector of Police,
CSCID Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the petitioner's vehicle bearing registration No.TN 76 AE 1633 from their custody.

For Petitioner	: Mr.Mathava Selvam
For Respondents	: Mr.P.Subbaraj, Counsel for the State.

O R D E R

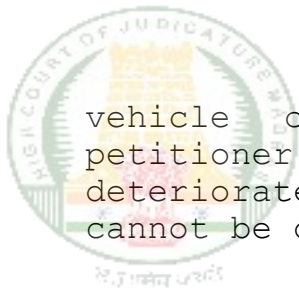
The petitioner seeks the release of the vehicle bearing registration No.TN-76-AE-1633.

2. The petitioner asserts that he is the registered owner of the vehicle bearing the above mentioned registration number. It is stated that the said vehicle was seized by the second respondent on the allegation of illegal transportation of PDS rice. It is also stated that Crime No.17 of 2021 was registered in such regard for alleged offences, *inter alia*, under the Essential Commodities Act, 1955.

3. The petitioner states that he has no nexus to the alleged offence. He is dependent on the vehicle for his livelihood and the condition thereof is deteriorating. In spite of approaching the respondents, it is stated that no action has been taken.

4. Mr.P.Subbaraj, learned counsel for the State, appears on behalf of both the respondents.

5. The documents on record indicate that the petitioner is the registered owner of the vehicle. However, the material facts as regards the quantity and value of PDS rice which was seized are not before this Court. Therefore, a direction for the release of the



vehicle cannot be issued by this Court. Nonetheless, the petitioner's contention that the condition of the vehicle would deteriorate and that his livelihood is dependent on the vehicle cannot be disregarded.

6. Therefore, the petitioner is permitted to submit a representation to the first respondent seeking the release of the vehicle within seven days from the date of receipt of a copy of this order. Such representation shall be submitted by including all relevant documents for such purpose. Upon receipt thereof, the first respondent is directed to consider such representation and take a reasoned decision thereon within a period of thirty (30) days from the date of receipt of such representation after providing a reasonable opportunity of hearing to the petitioner. In the event the first respondent decides to release the vehicle, appropriate safeguards should be incorporated so as to ensure that no prejudice is caused as regards the pending criminal proceedings.

7. W.P(MD).No.16816 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

To

1.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

2.The Inspector of Police,
CSCID Police Station,
Tirunelveli District.

+1 CC to M/s.SPL. GP (SR-29771[F] dated 21/09/2021)

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