



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.17085 of 2021

P.Radha Krishnan

... Petitioner

Vs.

1.The District Revenue Officer,
Tenkasi,
Tenkasi District.

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

... 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 to release the petitioner's vehicle in TATA Sumo bearing Registration No.TN-72 E 7511 based on the petitioner's representation dated 14.08.2021.

For Petitioner : Mr.K.Esakki
For Respondents : Mr.P.Subbaraj,
Counsel for State.

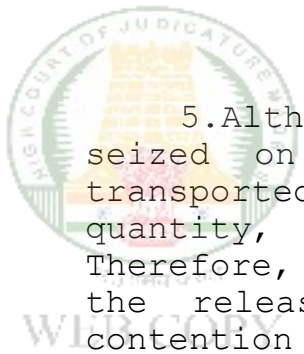
ORDER

The petitioner seeks the release of the vehicle bearing Registration No.TN-72 E 7511.

2.The petitioner states that he is the registered owner of a TATA Sumo vehicle bearing the above mentioned Registration Number. On 12.01.2021, the said vehicle was seized by the second respondent on the allegation that it was used to transport 24 bags of ration rice each containing 40 Kilograms of PDS rice. It is stated that Crime No.11 of 2021 was registered in this connection, *inter alia*, under the provisions of the Essential Commodities Act, 1955.

3.The petitioner states that the condition of the said vehicle is deteriorating and that his livelihood is impacted by the failure to release the said vehicle.

4.Mr.P.Subbaraj, 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 representation on merits and in accordance with law.



5.Although the petitioner has stated that the vehicle was seized on the allegation that 24 bags of ration rice were transported in such vehicle, all the material facts relating to the quantity, value, etc. are not available before this Court. Therefore, it is not appropriate to issue a positive direction for the release of the vehicle. Nevertheless, the petitioner's contention that the condition of the vehicle would deteriorate and that his livelihood is adversely impacted cannot be disregarded.

6.Accordingly, without going into the merits of the matter, the first respondent herein is directed to consider the petitioner's representation dated 14.08.2021 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 is inclined to direct the release of the vehicle, appropriate safeguards shall be incorporated so as to not prejudice the pending criminal proceedings.

7.W.P.(MD).No.17085 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS II)

// 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,
Tenkasi, Tenkasi District.

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

+1 CC to M/s.K.ESAKKI, Advocate (SR-30104[F] dated 23/09/2021)

+1 CC to M/s.SPL. GP (SR-30142[F] dated 24/09/2021)

W.P (MD) No.17085 of 2021
23.09.2021

RS (05.10.2021) 2P 5C

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