



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.17112 of 2021

D.Kannan

... Petitioner

Vs.

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

2.The Inspector of Police,
Civil Supplies CID,
Madurai 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 TATA ACE vehicle bearing registration No.TN 58 AF 9239 seized in connection with FIR No.96 of 2021 on the file of the second respondent police.

For Petitioner : Mr.A.Balaji

For Respondents : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner seeks the interim custody of the TATA ACE vehicle bearing registration No.TN 58 AF 9239.

2.The petitioner states that he purchased the above mentioned vehicle from one M.Balamurugan by paying valuable consideration. The mutation of the registration certificate could not be effected on account of the Covid-19 pandemic. Meanwhile, it is stated that the vehicle was seized on 28.07.2021 on the allegation that it was used for the illegal transportation of PDS rice. A FIR was registered in relation thereto in Crime No. 96 of 2021.

3.The petitioner states that he submitted a representation dated 07.09.2021 for the interim custody of the vehicle and that the condition of the vehicle is deteriorating because it is exposed to sun and rain.

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 petitioner's representation expeditiously.

5.The petitioner has enclosed a copy of the registration certificate. Such registration certificate has been issued in the name of M.Balamurugan. The petitioner has also enclosed a copy of a sale agreement dated 18.06.2021 between the said M.Balamurugan and the petitioner. In view of the fact that the registered owner of the vehicle is the said M.Balamurugan, it would be necessary to put him on notice before a decision is taken on the petitioner's application for release of the vehicle.

6.The material facts relating to the quantity and value of PDS rice which was allegedly transported in the vehicle are not before this court. Therefore, a positive direction for the release of the vehicle cannot be issued. Nonetheless, the petitioner's contention that the condition of the vehicle would deteriorate unless a decision is taken on the release of the vehicle cannot be disregarded.

7. Accordingly, without entering any findings on the merits of the matter, the first respondent is directed to consider the petitioner's representation dated 07.09.2021 and dispose of the same within a period of thirty (30) days from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner and the registered owner of the vehicle. In case the first respondent is inclined to direct release of the vehicle, appropriate safeguards shall be incorporated in the order so as to not prejudice the pending criminal proceedings.

8.W.P.(MD).No.17112 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/sji

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,
Madurai,
Madurai District.

2.The Inspector of Police,
Civil Supplies CID,
Madurai District.

+1 CC to M/s.SPL. GP (SR-30132[F] dated 24/09/2021)

**W.P (MD) .No.17112 of 2021
23.09.2021**

RK (01.10.2021) 3P 4C