



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.17161 of 2021

R.Sumesh

... Petitioner

Vs.

1.The District Revenue Officer,  
District Revenue Office,  
Nagercoil,  
Kanyakumari District.

2.The Special Tahsildar, (Flying Squad),  
District Civil Supplies Office,  
Kanyakumari 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 respondents herein to forthwith release the petitioner's Ashok Leyland Mini Tempo bearing Registration Number KL 20 Q 4076 from their custody on the basis of the petitioner's representation dated 23.08.2021 within a time frame fixed by this Court.

For Petitioner : Mr.J.Jawahar  
For Respondents : Mr.K.S.Selva Ganesan,  
Counsel for State.

### ORDER

The petitioner seeks the release of the Ashok Leyland Mini Tempo vehicle bearing Registration Number. KL 20 Q 4076.

2. The petitioner states that he is the registered owner of the above mentioned vehicle. On 09.08.2021, the said vehicle was used by one Selvaraj for the transportation of kerosene. The said vehicle was seized on 10.08.2021. The petitioner states that he had no knowledge that the said vehicle had been used to transport kerosene illegally. It is further stated that the petitioner is dependent on the vehicle for his livelihood and that the condition thereof is continually deteriorating.

3. 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 and in accordance with law.

4. Although the petitioner has indicated that about 560 litres of kerosene were seized, material facts relating to the value thereof, etc. are unavailable. Therefore, a direction for the



release of the vehicle cannot be issued. At the same time, the petitioner's contention that his livelihood is dependent on the vehicle and that the condition thereof is deteriorating merits attention.

5. Accordingly, without going into the merits of the matter, the first respondent herein is directed to consider the petitioner's representation dated 23.08.2021 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 release the vehicle, appropriate safeguards shall be incorporated so as to not prejudice criminal proceedings relating thereto, if any.

6. W.P.(MD).No.17161 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (P&A)

// 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,  
Nagercoil,  
Kanyakumari District.

2.The Special Tahsildar, (Flying Squad),  
District Civil Supplies Office,  
Kanyakumari District.

+1 CC to M/s.SPL.GP ( SR-30482[F] dated 28/09/2021 )

W.P (MD) No.17161 of 2021  
24.09.2021

DJ(CO)

KB(12.10.2021) 2P 4C

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