



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2021

CORAM

**THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

**W.P(MD).No.17763 of 2021**

M.Arun Sathish Kumar

... Petitioner

**Vs.**

1.The Revenue Divisional Officer,  
Thoothukudi District,  
Thoothukudi.

2.The Inspector of Police,  
Civil Supply CID, Madurai,  
Thoothukudi Police Station,  
Thoothukudi.

... 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 and second respondents to release the two wheeler vehicle of the petitioner viz., Bajaj Pulsar bearing Registration No.TN-72-BJ-2435 seized by the second respondent within the period that may be stipulated by this Court.

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

**ORDER**

The petitioner seeks the release of the Bajaj Pulsar bearing Registration No.TN-72-BJ-2435.

2.The petitioner states that he is the registered owner of the said vehicle. It is stated that he entrusted the vehicle to his friend, Esakkiraj. On 28.04.2021, the said vehicle was seized on the allegation that it has been used for the unlawful transportation of PDS rice. It is stated that a case has been registered with regard to such seizure.

3.The petitioner states that the vehicle is being exposed to the elements and, therefore, the condition thereof is deteriorating. In spite of submitting a representation, it is stated that the vehicle has not been released.

4.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the jurisdictional District Revenue Officer is the authority vested with jurisdiction to consider an application for the release of the



vehicle.

5.The petitioner has produced a copy of the registration certificate. Such certificate indicates that the petitioner is the registered owner of the vehicle. As pointed out by learned counsel for the State, the appropriate authority to consider an application for the release of the vehicle is the jurisdictional District Revenue Officer. In the absence of material facts relating to the quantity and value of the seized PDS commodities, a direction for the release of the vehicle cannot be issued by this Court. However, the petitioner's contention that the condition of the vehicle is continually deteriorating and that his livelihood is being impacted by the non-release thereof warrants attention.

6.Accordingly, the petitioner is permitted to submit a fresh representation to the jurisdictional District Revenue Officer. Such representation shall be submitted within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt thereof, the District Revenue Officer is directed to consider the petitioner's representation and pass a reasoned order within a period of thirty (30) days from the date of receipt of such representation. In case the District Revenue Officer is inclined to order the release of the vehicle, appropriate safeguards shall be incorporated in the order so as to not prejudice the pending criminal proceedings if any.

7.W.P.(MD).No.17763 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

*sjj*

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 Revenue Divisional Officer,  
Thoothukudi District,  
Thoothukudi.

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



2.The Inspector of Police,  
Civil Supply CID, Madurai,  
Thoothukudi Police Station,  
Thoothukudi.

WEB COPY

Copy to  
The District Revenue Officer,  
Thoothukudi,  
Thoothukudi District.

+1 CC to M/s.K.ANAND, Advocate ( SR-30982[F] dated 04/10/2021 )

+1 CC to M/s.SPL.GP ( SR-31009[F] dated 04/10/2021 )

**W.P (MD) .No.17763 of 2021**  
**01.10.2021**

**SE(CO)/RS (26.11.2021) 3P 6C**