



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.17483 of 2021

Ramachandran

... Petitioner

Vs.

1.The District Supply Officer,
Collectorate Complex,
Tirunelveli,
Tirunelveli District.

2.The Inspector of Police,
Civil Supplies C.I.D,
Tirunelveli Unit,
Madurai District.
In Crime No.185/2021.

3.The District Revenue Officer,
Tenkasi.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents herein to forthwith to release the petitioner's Asok Leyland bearing Registration No.TN-76-AP-7503 from their custody on the basis of the petitioner's representation dated 16.09.2021.

For Petitioner : Mr.C.Susi Kumar

For Respondents : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks the release of his Ashok Leyland vehicle bearing Registration No.TN-76-AP-7503.

2. The petitioner states that he is the registered owner of the above mentioned vehicle which was used to transport building waste materials. On 05.09.2021, it is stated that the said vehicle was seized when the petitioner's driver was plying the vehicle. Subsequently, the petitioner gathered that the vehicle had been seized for alleged transportation of PDS rice. It is stated that



3. The petitioner states that the condition of the vehicle is continually deteriorating on account of exposure to sun and rain. He also states that his livelihood is adversely affected on account of the failure to release the vehicle.

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4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the third respondent may be directed to consider and dispose of the petitioner's representation within a reasonable time frame.

5. All the material facts relating to the quantity and value of the seized PDS rice are not on record. Therefore, it is not appropriate to issue a positive direction for the release of the vehicle. Nevertheless, the petitioner's contentions that the condition of the vehicle would deteriorate further unless it is released quickly and that his livelihood is being impacted cannot be disregarded.

6. Therefore, the third respondent herein is directed to consider and dispose of the petitioner's representation dated 16.09.2021 within a period of thirty (30) days from the date of receipt of a copy of this order. In case the third respondent is inclined to direct the release of the vehicle, appropriate safeguards should be incorporated in the order so as to not prejudice the pending criminal proceedings.

7. Accordingly, W.P.(MD).No.17483 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/nsr

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 Supply Officer,
Collectorate Complex,
Tirunelveli,

<https://hcservices.tn.nic.in/web-services/> District.



2.The Inspector of Police,
Civil Supplies C.I.D,
Tirunelveli Unit,
Madurai District.
In Crime No.185/2021.

3.The District Revenue Officer,
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+1 CC to M/s.SPL.GP (SR-30724[F] dated 30/09/2021)

W.P (MD) No.17483 of 2021
29.09.2021

MGJ(08.10.2021) 3P 5C