



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.18281 of 2021

S.Venkatesh

... Petitioner

Vs.

1.The District Revenue Officer,
District Collector Office,
Thanjavur District,
Thanjavur.

2.The Inspector of Police,
CSCID, Thanjavur,
Thanjavur District.
(Crime No.147 of 2021)

... 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 to release the petitioner's ASHOK LEYLAND LTD/DOST RLS BSIV (Mini Tempo) bearing Registration No.TN-49-BL-3753 bearing Chassis No.MB1AAE2HRA70155 and bearing Engine No.BHH025839P seized on 20.09.2021 and keeping under the custody of the first respondent by considering the petitioner's representation dated 30.09.2021.

For Petitioner : Mr.S.Sankar
For Respondents : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks the release of his ASHOK LEYLAND LTD/DOST RLS BSIV (Mini Tempo) vehicle bearing Registration No.TN-49-BL-3753.

2. The petitioner states that the aforesaid vehicle was seized on 20.09.2021 on the basis of an allegation that it was used to carry PDS rice. It is stated that a case was registered in Crime No.147 of 2021 under the relevant provisions of the Essential Commodities Act, 1955 and related legislation.

3. The petitioner claims that the condition of the 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. The documents on record reflect that the petitioner is the registered owner of the vehicle. However, the precise details of the quantity of PDS rice, the value thereof and other material facts are not before this Court. Therefore, the release of the vehicle cannot be ordered. Nonetheless, the petitioner's contention that the condition of the vehicle would deteriorate unless the vehicle is released quickly merits consideration.

6. Accordingly, without going into the merits of the matter, the first respondent herein is directed to consider the petitioner's representation dated 30.09.2021 and dispose of the same within a period of thirty (30) days from the date of receipt of a copy of this order. In case the first respondent is inclined to release the vehicle, appropriate safeguards may be incorporated in such order so as not to prejudice the criminal proceedings.

7. W.P.(MD).No.18281 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)

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 Revenue Officer,
District Collectorate Office,
Thanjavur District, Thanjavur.

2.The Inspector of Police,
CSCID, Thanjavur,
Thanjavur District.
(Crime No.147 of 2021)

+1 CC to M/s.S.SANKAR, Advocate (SR-31717[F] dated 08/10/2021)

+1 CC to M/s.SPL.GP (SR-31499[F] dated 07/10/2021)

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