



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2021

CORAM

THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD)No.18411 of 2021

C.Gowri

... Petitioner

Vs.

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

2. The Inspector of Police,
Civil Supplies C.I.D,
Tirunelveli Unit,
Madurai.
Crime No.171/2021.

3. The District Revenue Officer,
Tirunelveli, Tirunelveli District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to forthwith release the petitioner's Ashok Leyland Dost RLS bearing registration No.TN 76 AM 0070 from their custody on the basis of her representation dated 01.10.2021.

For Petitioner : Mr.C.Susi Kumar

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

O R D E R

The petitioner seeks the release of the vehicle bearing registration No.TN-76-AM-0070.

2. The petitioner states that she is the registered owner of the vehicle described above. She states that the said vehicle was seized on 21.08.2021 by the second respondent on the allegation that it was used for unlawful transportation of PDS rice. After such seizure, it is stated that a case was registered in Crime No.171/2021. Thereafter, the petitioner states that a detailed representation was submitted on 01.10.2021 to the third respondent seeking the release of the vehicle, but no action has been taken thereon. Meanwhile, it is stated that the condition of the vehicle is deteriorating and therefore urgent orders are warranted.



3. 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 representation on merits.

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4. The petitioner has enclosed the registration certificate, which indicates that she is the registered owner of the vehicle. However, the precise quantity of PDS rice which was seized, the value thereof and other relevant facts are not before this Court. Therefore, a mandamus cannot be issued for the release of the vehicle. Nonetheless, the contention of the petitioner that the condition of the vehicle would deteriorate unless urgent orders are passed cannot be disregarded.

5. Accordingly, without going into the merits of the matter, the third respondent herein is directed to consider the petitioner's representation dated 01.10.2021 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 after providing a reasonable opportunity to the petitioner. In case the third respondent intends to release the vehicle, appropriate safeguards may be incorporated so as to ensure that no prejudice is caused as regards the pending criminal proceedings.

6. W.P(MD).No.18411 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)

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To

1. The District supply Officer,
Collectorate Complex,
Tirunelveli District.
2. The Inspector of Police,
Civil Supplies C.I.D,
Tirunelveli Unit,
Madurai.



3. The District Revenue Officer,
Tirunelveli, Tirunelveli District.

+1 CC to M/s.SPL.GP (SR-32084[F] dated 21/10/2021)

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