



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2021

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WEB COPY

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.19209 of 2021

M.Kalamani

... Petitioner

Vs.

1.The District Supply and Consumer Protection Officer,
Collectorate Complex,
Nagercoil, Kanyakumari District.

2.The Inspector of Police,
Civil Supplies CID,
Kuzhithurai Unit,
Nagercoil,
Kanyakumari District.
(In Crime no 138 of 2021)

3.The District Revenue Officer,
Kanyakumari District at Nagercoil.

...Respondents

(Respondent No.3 is *suo motu* impleaded as party respondent)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the second respondent to release the petitioner's vehicles TATA Tanker Lorry bearing Registration No.TN-66-S-5999 within the time stipulated by this Court.

For Petitioner
For Respondents

: Mr.R.Aravind Raj
: Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner seeks release of the TATA Tanker Lorry vehicle bearing Registration No.TN-66-S-5999.

2.The petitioner states that she is the registered owner of the aforesaid vehicle and that the said vehicle was seized on 22.09.2021 on the alleged ground of transportation of adulteration oil illegally. It is also stated that a F.I.R. was registered in Crime No.138 of 2021. The petitioner states that the condition of the vehicle would deteriorate unless it is released quickly and that the



petitioner's livelihood has been badly impacted by the retention of the vehicle by the authorities.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice for all the respondents. He submits that the District Revenue Officer may be directed to consider and dispose of the petitioner's representation on merits within a reasonable time frame.

4.The documents on record disclose that the petitioner is the registered owner of the vehicle. It is also clear that a F.I.R. was registered in connection with the alleged transportation of adulterated oil. The status of such investigation, the quantum and value of such adulteration oil and related factors are not available on record. Therefore, a mandamus to release the vehicle cannot be issued. Nevertheless, the petitioner's contention that the condition of the vehicle would deteriorate unless urgent orders are passed cannot be disregarded.

5.District Revenue Officers have been authorised to consider applications for release of vehicles seized for alleged violation of the Essential Commodities Act, 1955. Therefore, the District Revenue Officer, Kanyakumari District, Nagercoil, is *suo motu* impleaded as the third respondent in the writ petition. The Registry is directed to issue the order copy after carrying out the amendment in the cause title.

6.Accordingly, without going into the merits of the matter, the third respondent herein is directed to consider the petitioner's representation dated 29.09.2021 and pass a reasoned order thereon within a period of thirty (30) days from the date of receipt of a copy of this order. For such purpose, the petitioner is permitted to forward a copy of the representation along with this order to the District Revenue Officer. In case the third respondent is inclined to release the vehicle, appropriate safeguards may be incorporated in the order so as not to prejudice the pending criminal proceedings.

7.W.P.(MD).No.19209 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)

sjj

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



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 and Consumer Protection Officer,
Collectorate Complex,
Nagercoil, Kanyakumari District.
- 2.The Inspector of Police,
Civil Supplies CID,
Kuzhithurai Unit,
Nagercoil,
Kanyakumari District.
- 3.The District Revenue Officer,
Kanyakumari District at Nagercoil.

+1 CC to M/s.SPL.GP (SR-33349[F] dated 01/11/2021)

W.P (MD) .No.19209 of 2021
29.10.2021

SS (CO)
KB (30.11.2021) 3P 5C