



W.P.(MD).No.23009 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.23009 of 2022

Eswaran

... Petitioner

vs.

1.The District Revenue Officer,
Virudhunagar,
Virudhunagar District.

2.The District Supply Officer,
Collectorate Complex,
Virudhunagar District.

3.The Inspector of Police,
Civil Supplies C.I.D-Madurai,
Virudhunagar Unit.
(In Crime No.161 of 2022)

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to release the petitioner's Ashok Leyland Mini Lorry bearing registration No.TN-84-A-5738 seized by the third respondent on 19.08.2022.



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For Petitioner : Mr.R.Pon Karthikeyan
For R1 & R2 : Mr.D.Gandhiraj
Special Government Pleader
For R3 : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus, directing the respondents to release the petitioner's Ashok Leyland Mini Lorry bearing registration No.TN-84-A-5738 seized by the third respondent on 18.08.2022.

2. The case of the petitioner is that he is the owner of the vehicle viz., Ashok Leyland Mini Lorry bearing Registration No.TN-84-A-5738. On 18.08.2022, the third respondent police seized the vehicle and registered a case in Crime No.161 of 2022, for the offences under Section 46(4) of Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 and Section 7(1) (a) (ii) of Essential Commodities Act, 1955, as if the vehicle was carrying PDS Rice. The petitioner approached the first respondent several times and requested to release the vehicle. However, the first



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respondent did not release his vehicle. In the circumstances, on 27.09.2022, the petitioner has sent a detailed representation to the first respondent to release his vehicle. But, they have not taken any action on the petitioner's representation. Hence, the petitioner has filed the present writ petition seeking direction to the respondents to release his vehicle, by considering his representation, dated 27.09.2022.

3. Heard Mr.R.Pon Karthikeyan, learned counsel for the petitioner, Mr.D.Gandhiraj, learned Special Government Pleader appearing for the respondents 1 & 2 and Mr.B.Thanga Aravindh, learned Government Advocate (Crl.side) appearing for the third respondent.

4. The petitioner's vehicle viz., Ashok Leyland bearing Registration No.TN-84-A-5738 is presently in the custody of the third respondent. The vehicle is said to have been used for illegal transportation of PDS Rice.



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5. Considering the fact that if the vehicle is allowed to be kept idle by exposing the same to sun and rain, it would certainly diminish its value. Therefore, this Court is of the view that the vehicle may be released by imposing conditions on the petitioner. Accordingly, the third respondent is directed to release the vehicle in question to the petitioner, within a period of four weeks from the date of receipt of a copy of this order, subject to the following conditions:

“(i) The petitioner shall produce necessary documents before the concerned respondent to establish the ownership of the vehicle in question;

(ii) The petitioner shall deposit a sum of Rs.1,75,000/- (Rupees One Lakh Seventy Five Thousand only), before the District Revenue Officer, Virudhunagar, as refundable deposit within two weeks from the date of receipt of a copy of this order;

(iii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), before the concerned



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Magistrate Court, within two weeks from the date of receipt of a copy of this order;

(iv) The petitioner shall give an undertaking that he will not use the vehicle for any illegal activities in future and shall produce the same as and when required by the respondents;

(v) On production of deposit receipts and undertaking the vehicle in question shall be returned to the petitioner;

(vi) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned; and

(vii) The petitioner is also directed to participate in the enquiry and legal proceedings to be conducted by the respondents.”

6. However, it is made clear that if the vehicle involves in the crime for the second time, the concerned respondent shall not release the vehicle thereafter.



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7. With the above directions, this Writ Petition is disposed of. No costs.

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Index: Yes/No
Internet: Yes/No
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To

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V.BHAVANI SUBBAROYAN.J.

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