



W.P(MD)No.23391 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.10.2022

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.23391 of 2022

Isakkimuthu

... Petitioner

Vs.

1.The District Revenue Officer,
Tirunelveli,
Tirunelveli District.

2.The Inspector of Police,
Civil Supplies CID,
Tirunelveli,
Madurai Region.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the first respondent to entrust the interim custody of the petitioner's vehicle by branding name TATA INITRA V10 Vehicle bearing registration No.TN 72 BT 5416, seized in connection F.I.R.No.163 of 2022 on the file of the 2nd Respondent police.

For Petitioner : Mr.S.Sathya Chidambaram

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate for R1
Mr.B.Thanga Aravindh
Government Advocate (Crl.side) for R2



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ORDER

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This Writ Petition is filed for issuance of a Writ of Mandamus, directing the first respondent to release the petitioner's vehicle viz, TATA INITRA V10 bearing Registration No.TN 72 BT 5416, seized by the second respondent, by considering his representation dated 01.10.2022.

2. The case of the petitioner is that he is the owner of the vehicle viz., TATA INITRA V10 bearing Registration No.TN 72 BT 5416. On 25.06.2022, the second respondent police seized the vehicle and registered a case in Crime No.163 of 2022, for the offences under Section 6(4) of TNSC (RDCS) Order r/w. Section 7(1) (a) (ii) of Essential Commodities Act, 1955, as if the vehicle was carrying PDS Rice. Thereafter, the petitioner approached the second respondent and requested to release the vehicle. However, the second respondent did not release his vehicle. In the circumstances, on 25.09.2022 and 01.10.2022, the petitioner has sent a detailed representations to the respondents 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 01.10.2022.



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3. Heard Mr.Sathya Chidambaram, learned counsel for the petitioner, Mr.N.Ramesh Arumugam, learned counsel appearing for the first respondent and Mr.B.Thanga Aravindh, learned Government Advocate (Crl.side) appearing for the second respondent.

4. The petitioner's vehicle viz.,TATA INITRA V10 bearing Registration No. TN 72 BT 5416 is presently in the custody of the second respondent. The vehicle is said to have been used for illegal transportation of PDS Rice.

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 second 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;



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(ii) The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only), before the District Revenue Officer, Tirunelveli District, within two weeks from the date of receipt of a copy of this order;

(iii) 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;

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

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

(vi) 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.

12.10.2022

Index : Yes / No
Internet : Yes / No
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To

1.The District Revenue Officer,
Tirunelveli,
Tirunelveli District.

2.The Inspector of Police,
Civil Supplies CID,
Tirunelveli,
Madurai Region.



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V.BHAVANI SUBBAROYAN,J.

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