



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.22968 of 2021

WEB COPY

Ajay Yogesh

... Petitioner

vs.

1.The District Revenue Officer,
District Revenue Office,
Thoothukudi District.

2.The Inspector of Police,
Civil Supplies C.I.D.,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to entrust the interim custody of the petitioner's vehicle Eicher Tanker Lorry bearing Registration No.TN-42-AY-9762 to the petitioner, which is seized by in connection with Crime No.151 of 2021 on the file of the second respondent police by considering the petitioner's representation, dated 08.12.2021 within a time stipulated by this Court.

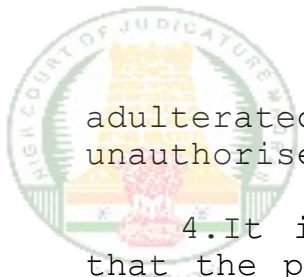
For Petitioner : Mr.S.Pandiyaraj
For Respondents : Mr.S.Kameswaran
Government Advocate

O R D E R

Heard Mr.S.Pandiyaraj, learned counsel for the petitioner and Mr.S.Kameswaran, learned Government Advocate, who takes notice for the respondents.

2.The writ petition has been filed in the nature of Writ of Mandamus, seeking a direction to the first respondent to release the vehicle of the petitioner/ Eicher Tanker Lorry bearing Registration No.TN-42-AY-9762, which was seized in connection with the First Information Report in Crime No.151 of 2021 registered by the second respondent for the offences punishable under Sections 2 (e) (V), 2(e) (VI), 2(e) (VII) of Motor Spirit and High Speed Diesel (Regulation of Supply and Distribution and Prevention of Malpractices) Order 1998 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955 on 22.11.2021.

3.It is stated that nearly about 30,000 litres of adulterated diesel was being transported in the said vehicle. In the first place, even to transport diesel there must be license. To transport



adulterated diesel, license cannot be given and it is an unauthorised act and an illegal act.

4.It is the claim of the learned counsel for the petitioner that the petitioner is only the owner of the vehicle and that his name is not mentioned in the First Information Report. It is also stated that the driver, Lakshmanan had given a statement to the second respondent that he was transporting the adulterated diesel without the knowledge of the petitioner herein. The name of the petitioner would naturally not be found in the First Information Report, because only after investigation and after examining the registration certificate, the respondent will be able to know the actual owner. With respect to the statement of the driver, no statement recorded before a police official can be taken note of any Court of law whether the statement exonerates any individual or incriminates any individual.

5.It is stated by Mr.S.Kameswaran, learned Government Advocate, that the second respondent had handed over the vehicle to the custody of the first respondent. It is also stated that the matter is still under investigation.

6.At this stage, I am not preferred to grant the mandamus sought. Let orders be passed by the first respondent and thereafter, let the petitioner take out necessary application in manner known to law.

7.With the above observations, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

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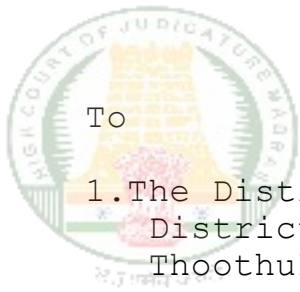
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Sub Assistant Registrar(CS)

sjj

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 Revenue Office,
Thoothukudi District.

2.The Inspector of Police,
Civil Supplies C.I.D.,
Thoothukudi District.

+1 CC to M/s.SPL.GP (SR-193[F] dated 04/01/2022)

W.P. (MD) No.22968 of 2021
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AP (19.01.2022) 3P 4C