



W.P.(MD).No.25172 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.25172 of 2022

Paul Selvaraj

... Petitioner

vs.

1.The District Revenue Officer,
Palani,
Dindigul District.

2.The Inspector of Police,
C.S.C.I.D., Dindigul,
Dindigul District,
In Crime No.128/2022.

... 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 Dost vehicle bearing Registration No.TN-09-CS-8244, on the basis of the representation of the petitioner, dated 30.07.2022.



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For Petitioner : Mr.T.Ramasamy
For R1 : Mr.A.Kannan
Additional Government Pleader
For R2 : 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 Dost vehicle bearing Registration No.TN-09-CS-8244, on the basis of the representation of the petitioner, dated 30.07.2022.

2. The case of the petitioner is that he is the owner of the vehicle viz., Ashok Leyland Dost bearing Registration No.TN-09-CS-8244. On 14.07.2022, the second respondent police seized the vehicle and registered a case in Crime No.128 of 2022, for the offences under Section 6(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. On 30.07.2022, the petitioner approached the



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second respondent and requested to release the vehicle. However, the second respondent did not release his vehicle. Hence, the petitioner has filed the present writ petition seeking direction to the respondents to release his vehicle, by considering his representation, dated 30.07.2022.

3. Heard Mr.T.Ramasamy, learned counsel for the petitioner, Mr.A.Kannan, learned Additional Government Pleader 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., Ashok Leyland Dost bearing Registration No.TN-09-CS-8244 is presently in the custody of the second respondent. The vehicle is said to have been used for illegal transportation of PDS Rice.

5. The second respondent filed counter affidavit and states that on 14.07.2022 at about 05.00 a.m., the second respondent along with other police personnel was in routine surveillance with regard to illegal



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transportation of PDS Rice near Milk Farm Junction at Palani to Kodaikanal Road. At that time, the vehicle bearing Reg.No.TN-09-CS-8244 was intercepted and search was conducted, where it is found that 30 bags each weighing about 50 kgs PDS rice was illegally transported by the accused persons. Hence, the case in Dindigul Civil Supplies CID Crime No.128 of 2022 under Section 6(4) of TN Scheduled Commodities (RDCS) Order, 1982 and Section 7(1)(a)(ii) of Essential Commodities Act, 1955 was registered against this petitioner and 2 other persons. The said vehicle was also handed over to the first respondent for further action.

6. He would further submit that earlier this petitioner has involved in a criminal case registered in Crime No.112 of 2011 u/s. 6(4) of TN Scheduled Commodities (RDCS) Order, 1982 and Section 7(1)(a) of Essential Commodities Act, 1955 and Crime no. 180 of 2021 U/s. 6(4) of TN Scheduled Commodities (RDCS) Order, 1982 and Section 7(1)(a) of Essential Commodities Act, 1955. This petitioner is a habitual offender. The market value of the vehicle indulged in the crime is more



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than 10 lakhs. If the vehicle custody was handed over to the petitioner, he will commit similar offence. The second respondent further states that the quantity of the rice involved is huge and if the custody of the vehicle was released then there is a chance of alienation or encumbrances. Hence, the custody of the vehicle should not be given to the petitioner since he may indulge in the similar activities and the case was charged on 12.08.2022.

7. Considering the facts and circumstances of the case and also considering the fact that the petitioner is a habitual offender and he is having two previous cases similar in nature, hence, this Court is not inclined to grant the relief as prayed for by the petitioner.

8. Accordingly, this writ petition stands dismissed. No costs.

18.11.2022

Index: Yes/No
Internet: Yes/No
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V.BHAVANI SUBBAROYAN.J.

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