



W.P.(MD).No.25854 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)No.25854 of 2022

S.Manikandan

... Petitioner

vs.

1.The District Revenue Officer,
Collector Office Complex,
Thenkasi.

3.The Inspector of Police,
CSCID, Tirunelveli,
Tirunelveli.

... 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 vehicle of the petitioner bearing Registration No.TN-76-AP-4267 within a time frame that may be fixed by this Court.

For Petitioner : Mr.M.Rajarajan

For R1 : Ms.K.Christy Theboral
Additional Government Pleader

For R2 : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)



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ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to release the vehicle of the petitioner bearing Registration No.TN-76-AP-4267.

2. The case of the petitioner is that he is the owner of the Ashok Leyland Eicher Lorry bearing Registration No.TN-76-AP-4267 and he was plying the vehicle within the four corners of law and he eak out his livelihood upon the income from the above vehicle. A criminal case was registered against the petitioner under the provisions of Essential Commodities Act for illegally transporting PDS rice using the above vehicle. According to F.I.R. in Crime No.336 of 2022, three tons of PDS rice were seized by the police and the driver put in judicial custody. He has not committed any offences and the case has been foisted against him with ulterior motive. Hence, he has made a representation to the first respondent on 14.11.2022. But till date no action has been taken by the first respondent. Therefore, the present writ petition has been filed.



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3. Heard the learned counsel for the petitioner, learned Additional Government Pleader appearing for the respondents 1 and the learned Government Advocate (Crl.side) appearing for the second respondent.

4. 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;

(ii) The petitioner shall deposit a sum of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only), before the District Revenue Officer, Tenkasi, within two weeks from the date of



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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.”

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

22.11.2022

Index: Yes/No

Internet: Yes/No

Note: Issue order copy on 28.11.2022.

akv

To

1. The District Revenue Officer,
Collector Office Complex,
Thenkasi.

3. The Inspector of Police,
CSCID, Tirunelveli,
Tirunelveli.



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V.BHAVANI SUBBAROYAN,J.

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