



WEB COPY

W.P.No.16182 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.16182 of 2024

Thangapandian

.. Petitioner

vs

1.The District Revenue Officer,
Coimbatore District, Coimbatore.

2The Inspector of Police,
Civil Supplies CID Chennai.
Pollachi, in Crime NO. 100/2024

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to forthwith release the petitioner's TATA INTRA Van bearing Registration No. TN-78-F-4611 from their custody on the basis of the petitioner's representation dated 05.06.2024.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.P.Harish, Government Advocate
for R1
Mr.S.Vinoth Kumar,
Government Advocate(Crl.Side) for R2

ORDER

The petitioner seeks a mandamus directing the respondents to release the vehicle (TATA INTRA van) bearing Registration No. TN 78 F 4611 from their custody on the basis of his representation dated 05.06.2024.

2. The petitioner relies on a decision of this Court in *Bala Ganesan v The District Revenue Officer and others* [dated 22.02.2024 WP(MD) No.4108 of 2024]. In that decision, the Court has granted interim



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custody, subject to that petitioner granting a certain amount to charity and setting out certain other conditions.

3. Mr.P.Harish, learned Government Advocate, accepts notice for R1 and Mr.S.Vinoth Kumar, learned Government Advocate (Criminal Side), accepts notice for R2. They are armed with sufficient instructions to enable a final disposal of writ petition at this juncture.

4. The primary objection raised is that the petitioner is not even the owner of the vehicle as the RC book stands in the name of another person. That apart, written instructions are also circulated to state that enquiry under Section 6A & 6B of the Essential Commodities Act, 1955 (Act) is on-going and hence appropriate view will be taken by the authorities on the representation of the petitioner dated 05.06.2024, simultaneous with the conduct of the enquiry.

5. The stand of the respondents appears reasonable. The respondents have also circulated a decision in the case of *R.Sasi Kumar v The District Revenue Officer and others* in WP No. 35102 of 2022 dated 03.01.2023. In that decision, the Court has directed the respondents to dispose the petitioner's representation in accordance with law and has left the matter there.

6. Upon a careful consideration of this matter, I am of the view that there is nothing untoward in the stand of the respondents. They state in written instructions in Na.Ka.1493/2024/Ki3 dated 22.05.2024 that statutory proceedings are under way. Hence it would suffice to protect the interest of both parties to merely fix an outer time frame, within which the



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proceedings would be completed. The respondents will complete the proceedings under section 6A & 6B of the Act, within a period of eight weeks from date of receipt of a copy of this order and also therein consider the prayer of the petitioner for release of the vehicle.

7. At this juncture, it is relevant to note that the proceedings under Section 6A & 6B of the Act are stated to be qua owner of the vehicle and the petitioner does not figure anywhere therein. Be that as it may, let those proceedings be complete as directed aforesaid and in accordance with law.

8. Writ petition stands disposed in terms of this order. No costs.

24.06.2024

Index:Yes/No
Neutral Citation:Yes
ssm

To

1.The District Revenue Officer,
Coimbatore District, Coimbatore.

2The Inspector of Police,
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DR. ANITA SUMANTH,J.

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