



W.P.(MD)No.2735 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.2735 of 2024

Achumon

... Petitioner

Vs

1.The District Revenue Officer,
Tenkasi District, Tenkasi.

2.The Inspector of Police,
Civil Supplies Crime Investigation Department,
Tiruneveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to release the Renault Kwid Car bearing registration No.KL-25-P-0960 seized by the 2nd respondent on 15.12.2023 to the petitioner.

For Petitioner : Mr.T.Leninkumar

For Respondents : Mr.D.Gandhi Raj,
Spl. Government Pleader for R1.
Mrs.M.Aasha,
Govt. Advocate (Crl. Side) for R2.



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ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus, directing the first respondent to release the petitioner's Renault Kwid Car bearing registration No.KL-25-P-0960 seized by the second respondent on 15.12.2023 to the petitioner.

2.The case of the petitioner is that he is the owner of the vehicle viz., Renault Kwid Car bearing registration No.KL-25-P-0960. On 15.12.2023, the second respondent police seized the vehicle and registered a case in Crime No.353 of 2023, for the offences under Section 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 r/w. 7(1)(a)(ii) of Essential Commodities Act, 1955, as if the vehicle was carrying PDS Rice. The petitioner approached the first respondent several times and requested to release the vehicle. However, the first respondent did not release his vehicle. In the circumstances, on 28.12.2023, the petitioner has sent a detailed representation to the first respondent 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 28.12.2023.



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WEB COP 3. Heard Mr.T.Leninkumar, learned counsel for the petitioner, Mr.D.Gandhiraj, learned Special Government Pleader appearing for the first respondent and Mrs.M.Aasha, learned Government Advocate (Crl.side) appearing for the second respondent.

4.The petitioner's vehicle viz., A Renault Kwid Car bearing registration No.KL-25-P-0960 is presently in the custody of the first 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 first 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.1,50,000/- (Rupees One Lakh and Fifty Thousand only), before the District Revenue Officer, Tenkasi, Tenkasi District, as refundable deposit within two weeks from the date of receipt of a copy of this order;

(iii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), before the concerned Magistrate Court, within two weeks from the date of receipt of a copy of this order;

(iv) 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;

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

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

(vii) 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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WEB COPY 7. With the above directions, this Writ Petition is disposed of. No costs.

08.02.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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To

1. The District Revenue Officer,
Tenkasi District, Tenkasi.
2. The Inspector of Police,
Civil Supplies Crime Investigation Department,
Tiruneveli.



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V.BHAVANI SUBBAROYAN, J.

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