



W.A.(MD).No.570 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.06.2024

CORAM

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A.(MD).No.570 of 2018
and
C.M.P.(MD).No.3213 of 2018

The Inspector of Police,
Civil Supplies Crime Investigation Department,
Virudhunagar District. ... Appellant / 2nd Respondent

Vs.

1.Nagalakshmi ... 1st Respondent/Petitioner

2.The District Revenue Officer,
Ramanathapuram District. ... 2nd Respondent/1st Respondent

*(R-2 is an official respondent in
W.P.(MD).No.8678/2014 but he is
not a necessary party for the above
Writ Appeal and he is given up)*

PRAYER: Writ Appeal filed under Section 15 of Letters Patent Act, praying
to allow this Writ Appeal by setting aside the order made in W.P.(MD).
No.8678 of 2014 dated 05.06.2014 on the file of this Court.



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For Appellant : Mr.A.Baskaran
Additional Government Pleader

For Respondents : Tapal returned for R-1
R-2 given up

JUDGMENT

(Judgment of the Court was made by A.D.JAGADISH CHANDIRA,J.)

This Writ Appeal has been filed against the order of the learned Single Judge of this Court in W.P.(MD).No.8678 of 2014 dated 05.06.2014.

2. The order passed in the Writ Petition reads as follows:

“4. In the affidavit, it has been averred that the petitioner is the owner of the TATA Indica car. The petitioner was plying the said vehicle as a tourist vehicle. On 26.04.2014 at about 8.00 a.m. the driver took the vehicle and subsequently, did not return back. On enquiry, the petitioner came to know that on 27.04.2014, the second respondent seized her vehicle on the allegation that the vehicle was used transport 6 bags of rice. After seizer of the vehicle, on 20.05.2014, the petitioner made a detail representation to the



first respondent. Even after receipt of the representation, the first respondent did not take any steps to release the vehicle and hence, the petitioner has come forward with this writ petition.

5. Considering this facts and circumstances of the case and the submissions made on either side, I am of the opinion that if the seized vehicle is exposed to sun and rain, it would be losing its value. Under such circumstances, I am inclined to direct the first respondent to release the vehicle in question to the petitioner on the following conditions:

"i) The petitioner shall produce documents before the first respondent to establish the ownership of the vehicle in question;

ii) The petitioner shall deposit a sum of Rs.10,000/- (Rupees ten thousand only) with the first respondent;

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 first respondent;

iv) on doing so, the vehicle in question shall be returned to the petitioner; and



v) *The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned."*

6. *The writ petition stands ordered accordingly. No costs."*

3. A status report has been filed by the appellant stating that the representative of the writ petitioner appeared before the District Revenue Officer, Ramanathapuram on 19.12.2014 and he had expressed his unwillingness to pay a sum of Rs.10,000/-, as ordered by the learned Single Judge and to get temporary possession of the car. He has further expressed that he is not in a position to secure Rs.70,000/- as fixed by the Valuation Committee in fixing the value of the car seized and he agreed for confiscation of the vehicle by the Government. He had also given an undertaking duly signed by him stating that he will not prefer any appeal against the order of confiscation or involve further in illegal transportation of essential commodities. Subsequently, based on the undertaking given by the representative of the writ petitioner, the District Revenue Officer, Ramanathapuram vide Pro.No.J5/25289/2014 dated 31.01.2015, had passed



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an order confiscating the vehicle bearing Registration No.TN 10 S 3228 TATA Indica to the Government under Section 6A of the Tamil Nadu Essential Commodities Act, 1955.

4. The learned Additional Government Pleader appearing for the appellant would submit that though this Court had passed a conditional order directing the writ petitioner to deposit a sum of Rs.10,000/-, the writ petitioner has not paid the amount and she has not taken interim custody of the vehicle. Further, the representative of the writ petitioner had also expressed his inability to pay the sum of Rs.70,000/- fixed by the Valuation Committee and thereby, confiscation orders have been passed. However, due to pendency of this appeal, the authorities are unable to conduct public auction.

5. Heard the learned Additional Government Pleader appearing for the appellant. There is no representation for the respondents.



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6. Now that the vehicle has been confiscated and no challenge has been made by the owner of the vehicle, the appellant is at liberty to conduct public auction and remit the auction amount to the Government. Accordingly, the Writ Appeal stands closed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(A.D.J.C.,J.) (K.R.S.,J.)
10.06.2024

NCC : Yes / No
Index : Yes / No
Lm

To
The District Revenue Officer,
Ramanathapuram District.



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and
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