



W.P.(MD) No.21454 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.21454 2024

T.Balan

...Petitioner

-VS-

1.The District Revenue Officer,
Nagercoil, Kanyakumari District.

2.The Inspector of Police,
Civil Supplies CID.,
Kuzhithurai,
Kanyakumari District.
(Crime No.105 of 2024)

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, directing the Respondents to release the petitioner's vehicle bearing registration No.TN-86-H-5996 (TATA INTIRA V5O PICKUP) based on the petitioner's representation dated 16.08.2024 within a stipulated time as fixed by this Court.

For Petitioner	: Mr.B.Micheal Sebastin
For R1	: Mr.D.Gandhiraj Special Government Pleader
For R2	: Mr.M.Vaikkam Karunanithi Government Advocate (Crl.side)



W.P.(MD) No.21454 of 2024

ORDER

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This writ petition has been filed seeking a direction to the respondents to release the petitioner's vehicle bearing registration No.TN-86-H-5996 (TATA INTIRA V5O PICKUP) based on the petitioner's representation dated 16.08.2024 within a stipulated time as fixed by this Court.

2.The case of the petitioner is that on 31.05.2024, the second respondent intercepted the vehicle bearing No. No.TN-86-H-5996, wherein 890 PDS each weighing 3,000 kgs were found and thereby, a case has been registered in Crime No.105 of 2024 for the offences under Section 6(4) of the Tamil Nadu Scheduled Commodities (RDCS) order, 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955. The vehicle was also seized by the authorities concerned.

3.According to the petitioner, he is the owner of the vehicle and one Akash hired the said vehicle on rent from him. Thereafter, he was not regular in payment of rent. He has neither paid the rent nor handed over the vehicle. Therefore, the petitioner had given a complaint on 06.02.2024 for recovery of vehicle before the authorities concerned.



W.P.(MD) No.21454 of 2024

Now the petitioner came to know that the vehicle was tampered by the said Akash and it was seized by the police. Hence, he seeks a direction to release the vehicle.

4.The learned Special Government Pleader for the first respondent, on instructions, submitted that the vehicle bearing registration No.TN-04-AJ-8266 was seized by the respondent police. On verification of documents, it was found that the registration number of the said vehicle was manipulated. It was ascertained that the number plate in the vehicle in TN-04-AJ-8266 is intended for Ashok Leyland Dost Vehile and the actual number of the vehicle seized by the authorities is TN-86-H-5996 (TATA INTIRA V50 Pickup). Further, the Chasis number in the vehicle does not match with the Engine Number and the Chasis number in the RC Book and the same are also manipulated.

5.At the outset, this Court is of the view that for the relief of release of vehicle, the petitioner has to approach the concerned Judicial Magistrate Court and the same cannot be granted by this court exercising the power conferred under Article 226 of the Constitution of India.



W.P.(MD) No.21454 of 2024

6.In view of the above, let the respondent police produce the seized vehicle before the concerned Judicial Magistrate Court, immediately. The petitioner shall apply before the concerned Judicial Magistrate, who after taking note of the nature of allegations, fabrication and manipulation of the records, shall consider the application of the petitioner and pass orders on its own merits. It is also open to the authorities concerned to proceed with the confiscation proceedings.

7.This writ petition stands dismissed on the above terms. No costs.

12.09.2024

Index : Yes / No

Internet : Yes / No

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To

1.The District Revenue Officer,
Nagercoil, Kanyakumari District.

2.The Inspector of Police,
Civil Supplies CID.,
Kuzhithurai,
Kanyakumari District.

3.The Judicial Magistrate, No.III,
Madurai.



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W.P.(MD) No.21454 of 2024

N.SATHISH KUMAR, J.

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W.P.(MD) No.21454 of 2024

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