



W.P.(MD)No.25688 & 25689 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 29.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)Nos.25688 & 25689 of 2024

Uma Traders,
Rep. by its Proprietor,
Ponraj.

... Petitioner in
W.P.(MD)No.25688/2024

Duvuru Krishna Teja Reddy

... Petitioner in
W.P.(MD)No.25689/2024

Vs.

1.The District Revenue Officer,
Thoothukudi District,
Thoothukudi.

2.The Inspector of Police,
CSCID,
Thoothukudi,
(Crime No.114/2024)

... Respondents in
both W.Ps.

PRAYER IN W.P.(MD)No.25688/2024: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to release the Distillate Oil Seized by the 1st respondent police in relating to FIR in Crime No.114 of 2024 dated 16.07.2024 and hand over



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the same to the petitioner on the basis of the petitioner's representation dated 12.09.2024.

PRAYER IN W.P.(MD)No.25689/2024: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to release the petitioner's vehicle namely TATA SIGNA, bearing registration No.AP 39 UM 1119 (Engine No.B6. 7B6A250D02122M 64256348, CHASSIS No.MAT808012N1D35085), Tanker Lorry/Goods carriage HMV, on the basis of the petitioner's representation dated 12.09.2024.

For Petitioner : Mr.S.Dheenadhayalan
(In both W.Ps)

For Respondents : Mr.D.Gandhiraj,
(In both W.Ps) Spl. Govt. Pleader for R1
Mr.Vaikam Karunanithi,
Govt. Advocate (Crl. Side) for R2

COMMON ORDER

W.P.(MD)No.25688 of 2024 has been filed seeking for issuance of a Writ of Mandamus directing the respondents to release the Distillate Oil Seized by the respondent police in relating to FIR in Crime No.114 of 2024 dated 16.07.2024 and hand over the same to the petitioner on the basis of the petitioner's representation dated 12.09.2024.



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2. W.P.(MD)No.25689 of 2025 has been filed seeking for issuance of a

Writ of Mandamus directing the respondents to release the petitioner's vehicle namely TATA SIGNA, bearing registration No.AP 39 UM 1119 (Engine No.B6. 7B6A250D02122M 64256348, CHASSIS No.MAT808012N1D35085), Tanker Lorry/Goods carriage HMV, on the basis of the petitioner's representation dated 12.09.2024.

3. The grievance of the Writ Petitioners are that the very power to seize the vehicle and the so called essential commodities by the Inspector of Police is not correct and as per Regulation 4 of Motor Spirit and High Speed Diesel (Regulations of Supply, Distribution and Prevention of Malpractices), Order, 1998, the Deputy Superintendent of Police alone is competent to seize the vehicle. However, having seized the vehicle, the same has not been produced before the concerned Magistrate. Hence, the petitioners have filed these Writ Petitions.

4. The learned Special Government Pleader appearing for the first respondent would submit that they will produce the vehicle on 04.11.2024 before the concerned Judicial Magistrate Court.



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5. Considering the said submission, this Court is of the view that on production of the said vehicle on 04.11.2024, the petitioners shall file necessary applications before the concerned Judicial Magistrate Court for release of the Distillate Oil and the release of the vehicle and the concerned learned Judicial Magistrate shall decide the said applications by taking note of the various guidelines issued in this regard and pass an order expeditiously for release of the the Distillate Oil as well as the release of vehicle.

6. With the above directions, these Writ Petitions are disposed of. There shall be no order as to costs.

29.10.2024

NCC : Yes/No
Index : Yes/No
vsm



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- To
- 1.The District Revenue Officer,
Thoothukudi District,
Thoothukudi.
 - 2.The Inspector of Police,
CSCID,
Thoothukudi,



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N.SATHISH KUMAR, J.

vsm

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