



W.P.No.2585 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.2585 of 2025

Mr.P.Kamalakaran

... Petitioner

vs.

1.The District Revenue Officer
Attur, Attur Taluk,
Salem District.

2.The Inspector of Police,
Civil Supplies CID,
Salem Unit,
Salem District.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 02.01.2025 to release his Bharath Benz lorry vehicle bearing registration vide TN-77 S-1999 seized by the second respondent dated 28.11.2024.

For Petitioner : M/s.L.Rajendran

For Respondents : Mr.S.Balamurugan for R1
Government Advocate
Mr.L.Baskaran for R2
Government Advocate(Crl.side)

ORDER



W.P.No.2585 of 2025

The writ petition is filed seeking a direction to respondents to consider his representation dated 02.01.2025 to release his Bharath Benz lorry bearing Registration No.TN-77 S-1999 seized by the 2nd respondent on 28.11.2024.

2. It is the case of the petitioner that he is the owner of the Bharath Benz lorry bearing Registration No.TN-77 S-1999 and his vehicle was seized by the 2nd respondent on 28.11.2024 on the ground that his vehicle was used for transportation of PDS rice. A case was registered against the petitioner in Crime No.322 of 2024 on the file of 2nd respondent under Sections 6(4) r/w 7(1)(a)(ii) of Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 Essential Commodities Act, 1955. It is stated by the petitioner that confiscation proceedings has not been initiated against the vehicle. Hence, he submitted a representation before the 2nd respondent seeking release of the vehicle and the same has not been considered. Hence, the petitioner has come before this Court.

3. Mr.S.Balamurugan, learned Government Advocate takes notice for the 1st respondent and Mr.L.Baskaran, learned Government Advocate(Crl.side) takes notice for the 2nd respondent.



W.P.No.2585 of 2025

4. The learned Government Advocate(Crl.side) for the 2nd respondent submitted that 2nd respondent has no power to consider the representation and it is for the 1st respondent to consider the representation.

5. It is held by this Court as well as the Hon'ble Apex Court that detaining the vehicle for long time and exposing the same to sun and rain will cause damage to the vehicle and hence, no purpose will be served by keeping the vehicle in idle condition without any confiscation order. Therefore, this Court is inclined to direct the 1st respondent to release the vehicle to the petitioner on following conditions:-

a) The petitioner shall deposit a sum of Rs.5000/-(Rupees Five Thousand Only) before the 1st respondent within a period of two weeks from the date of receipt of copy of this order.

b) The petitioner shall appear before the 1st respondent in person and produce all the relevant documents proving ownership of the vehicle for verification.



W.P.No.2585 of 2025

c) On payment of amount by the petitioner as stated supra and also on being satisfied with the ownership of the vehicle, the 1st respondent shall release the subject vehicle.

d) The petitioner shall not use the subject vehicle for any unlawful purpose and shall not alienate the same during the pendency of the proceedings.

e) The order passed by this Court will not prevent the 1st respondent from taking any action against the petitioner including the proceedings for confiscation of the vehicle in the manner known to law within a period of three weeks from the date of receipt of copy of this order.

f) If no such order is passed against the petitioner within the time stipulated, the amount deposited by the petitioner shall be refunded to him.

g) The present order passed by this Court will enure to the petitioner only if the vehicle is not in the custody of the Criminal Court. If the vehicle is already in the custody of the Criminal Court, it is open to the petitioner to approach the jurisdictional Magistrate to get release of the vehicle by filing appropriate application and the same shall be considered in accordance with law.



W.P.No.2585 of 2025

8. With this direction, the Writ Petition stands disposed of. No costs.

WEB COPY

29.01.2025

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
nr

To

1.The District Revenue Officer
Attur, Attur Taluk,
Salem District.

2.The Inspector Of Police,
Civil Supplies CID,
Salem Unit,
Salem District.

S.SOUNTHAR, J.



WEB COPY



W.P.No.2585 of 2025

nr

W.P.No.2585 of 2025

29.01.2025