



W.P.(MD) No.7504 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2025

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.7504 of 2023

and

W.M.P.(MD).No.6996 of 2023

M/s.Siva Sakthi Enterprises,
represented by its Proprietor,
K.Karthikeyan

... Petitioner

Vs

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The District Revenue Officer,
Thoothukudi, Thoothukudi District.
3. The District Supply and Consumer Protection Officer,
O/o. The District Supply and Consumer Protection Office,
Thoothukudi, Thoothukudi District.
4. The Inspector of Police,
Thoothukudi Police Station,
CSCID-Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to grant the custody of 17,000 liters Ambol Agri Spray Oil to the petitioner, which was seized from the petitioner's Tanker Lorry bearing Registration



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No.18 BD 8790 by the fourth respondent on 24.10.2021 in connection with case in Crime No.135 of 2021 on the file of the fourth respondent and handed over to the second respondent in pursuance thereto.

For Petitioner : Mr.CKM.Appaji

For Respondents : Mr.A.Oliraja,
Government Advocate
for R-1 to R-3

Mr.A.Albert James,
Government Advocate
(Criminal Side) for R-4

ORDER

This Writ Petition has been filed seeking a direction to the respondents to grant custody of 17,000 litres of Ambol Agri Spray Oil to the petitioner, which was seized from the petitioner's tanker lorry bearing Registration No.TN 18 BD 8790 by the fourth respondent on 24.10.2021 in connection with Crime No. 135 of 2021 on the file of the fourth respondent and thereafter, handed over to the second respondent.

2. It is the case of the petitioner that the petitioner had purchased Ambol Agri Spray Oil in a tanker lorry and commenced distribution of the same to their customers. After reaching the destination, due to lack of space in the branch office, the tanker lorry was parked on the service road. Based on an inspection, the fourth respondent inspected a tin shed



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and also inspected the vehicle. Upon inspection of the tanker, it was found that oil resembling diesel was being transported without any bills or licence for such transportation. Thereafter, the vehicle along with the oil was seized. Subsequently, the fourth respondent submitted a report stating that the vehicle was involved in smuggling. However, though the tanker lorry was later released, the seized oil was not returned to the petitioner.

3. The learned Government Advocate appearing for respondent Nos. 1 to 3 would submit that the seized substance is not diesel and that a criminal case is already pending before the competent Criminal Court. Therefore, the petitioner ought to approach the Criminal Court and not before this Court.

4. This Court is of the considered view that since the vehicle was released by the order of the Criminal Court, it would be appropriate for the petitioner to approach the Criminal Court where the case is pending. This Court is not inclined to interfere with the seizure of the material.



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5. Accordingly, this writ petition stands dismissed. Liberty is granted to the petitioner to approach the appropriate Criminal Court where the criminal case is pending. No costs. Consequently, the connected miscellaneous petition is closed.

03.12.2025

Index : Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

TSG

To

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The District Revenue Officer,
Thoothukudi, Thoothukudi District.
3. The District Supply and Consumer Protection Officer,
O/o. The District Supply and Consumer Protection Office,
Thoothukudi, Thoothukudi District.
4. The Inspector of Police,
Thoothukudi Police Station,
CSCID-Madurai.



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KRISHNAN RAMASAMY, J.

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