



W.P.(MD) No.17492 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.17492 of 2025

M.Sundar

... Petitioner

/vs./

1.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Virudhunagar,
Virudhunagar District.

3.The District Supply Officer,
Virudhunagar,
Virudhunagar District.

4.The Inspector of Police,
Civil Supplies Crime Investigation Department (CSCID),
Virudhunagar District
Crime No.81 of 2024

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to release the Ashok Leyland Goods Carrier being Registration No. TN-68-9725 seized by the



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4th respondent to the petitioner by considering the representation dated 03.06.2025.

For Petitioner : Mr.N.Marimuthu
For R1 to R3 : Mr.D.Ghandiraj
Special Government Pleader
For R4 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

ORDER

Mr.D.Ghandiraj, learned Special Government Pleader takes notice for the respondents 1 to 3 and Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.side) takes notice for the fourth respondent.

2.The petitioner has filed this writ petition for a Mandamus to direct the respondents 1 and 2 to release the vehicle, namely, Ashok Leyland Goods Carrier being Registration No. TN-68-9725 seized by the fourth respondent to the petitioner, by considering the representation dated 03.06.2025.

3.The petitioner's vehicle was involved in alleged smuggling of PDS rice and therefore, an FIR came to be registered by the fourth respondent in Crime No. 81 of 2024 under Sections 6(4) of TNSC (RDCS) Order 1982 r/w Section 7(1)(a) (ii) of the Essential Commodities Act, 1955.



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4.Since the petitioner's vehicle was involved, wherein the petitioner is not an accused person, the petitioner moved an application for release of the vehicle before the learned Judicial Magistrate No.1, Virudhunagar, in Crime No.81 of 2024. However, the said application has been returned with the following endorsement:-

“Petition mentioned property not produced in this court. Hence, returned.”

5.When the case is taken up for hearing, the learned counsel for the respondents submits that the vehicle was seized on the date of the offence and handed over to the second respondent and the second respondent has determined the value of the goods as Rs.2,60,000/-.

6.It is noticed that under similar circumstances, the Court had come to the rescue of an owner, like the petitioner in W.P.(MD) No.15380 of 2025 filed by one Poopandi, taking note of the value of the vehicle and the offences involved, on payment of Rs.25,000/- before the concerned Judicial Magistrate.



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7.I see no reason to take a different view, considering the fact that the petitioner is not directly involved in the alleged smuggling of PDS rice by the persons/accused in the FIR in Crime No.81 of 2024 registered by the fourth respondent. The value of the vehicle as on date appears to be Rs.2,60,000/-.

8.Under these circumstances, there shall be a direction to the second respondent to release the vehicle subject to the petitioner depositing 25% of the value of the vehicle to the credit of Crime No.81 of 2024. This amount is without prejudice to the rights of the respondents.

9.It is made clear that the release is provisional release and the same will be subject to the final orders to be passed for confiscation of the vehicle, in which case, the petitioner's right will be decided as per the order to be passed for confiscation of the vehicle, within a period of one week from the date of receipt of a copy of this order. On payment of the aforesaid amount, the second respondent shall release the vehicle.



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10. With the aforesaid directions, the Writ Petition stands disposed of. No costs.

Index : Yes / No
Internet : Yes / No
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C.SARAVANAN, J.

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