



W.A.(MD)No.1440 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A.(MD)No.1440 of 2022
and
C.M.P.(MD)No.11595 of 2022**

Najeeb

... Appellant

Vs.

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

2.The Inspector of Police,
Civil Supplies C.I.D.,
Kuzhithurai,
Madurai Unit,
Kanyakumari District.
In Crime No.108of 2021.

3.The Special Thasildar,
Villavankode,
Kanyakumari District.

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal and set aside the order dated 26-10-2022 in W.P.(MD).No.22301 of 2022 on the file of this Court.



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For Appellant : Mr.N.Kamesh

For Respondents : Mr.K.Balasubramni,
Spl. Government Pleader for R1 & R3.
Mr.Albert James,
Govt. Advocate (Crl. Side) for R2.

JUDGMENT

(Judgment of the court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2.The appellant's vehicle was seized in a case arising under the Essential Commodities Act. It was said to have been used for transporting PDS rice. The appellant's vehicle was seized and confiscation order was passed directing the appellant to pay a sum of Rs.4,40,000/- and take the vehicle. Challenging the same, the appellant filed W.P.(MD)No.22301 of 2022. The learned Single Judge granted relief to the appellant and asked him to pay a sum of Rs.3,50,000/- and take the vehicle. Aggrieved by the said order, this writ appeal has been filed.



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3.The appellant does not have any case on merits. However, one factual aspect is in his favour. The vehicle was seized as early as in August, 2021. The order impugned in the writ petition was passed on 26.04.2022. The writ petition was dismissed on 26.10.2022. In other words, for more than 3 ½ years, the appellant's vehicle has been in the custody of the respondents. Obviously, the vehicle's value would have suffered some deterioration. Taking into account this lapse of time, we interfere with the order impugned in the writ petition. The appellant can take back vehicle by paying a sum of Rs.2,00,000/-. Upon payment of Rs.2,00,000/-, the petition mentioned vehicle shall be returned to the appellant. The order of the learned Single Judge is modified accordingly and the writ appeal is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (M.J.R. J.)
11.03.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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