



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD) No.1062 of 2018

Ilayaraja

... Petitioner

Vs.

1.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

2.The Inspector of Police,
Civil Supplies Crime Investigation Dept.,
Tirunelveli.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the first respondent to release the Maruti Omni Van bearing Reg.No.TN-22-AD-3931 seized on 06.01.2018 by the second respondent to the petitioner.

For Petitioner :Mr.T.Lenin Kumar

For Respondents :Mr.Aayiram K.Selvakumar

Additional Government Pleader

ORDER

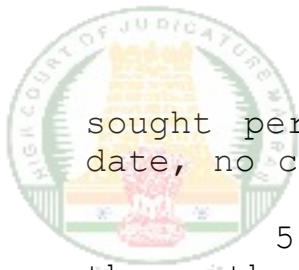
This writ petition has been filed seeking a direction to the first respondent to release the Maruti Omni Van bearing Reg.No.TN-22-AD-3931 seized on 06.01.2018 by the second respondent.

2.Heard Mr.T.Lenin Kumar, learned counsel appearing for the petitioner and Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the respondents.

3.According to the petitioner, the vehicle in question has been seized by the second respondent on 06.01.2018 on the allegation that the vehicle was used to transport 20 bags of PDS rice (each contains 45 kgs.). But, so far, no confiscation proceedings has been initiated by the respondents. Hence, this writ petition has been filed.

<https://hcservices.ecourts.gov.in/hcservices/>

4.Per contra, the learned Additional Government Pleader appearing for the respondents submitted that the respondent police



sought permission to initiate confiscation proceeding and as on date, no confiscation proceeding is pending.

5. In any event, as the vehicle is under the custody of the authorities and considering the fact that if the same is allowed to be kept idle by exposing the same to sun and rain, it would certainly diminish its value. Therefore, pending proceedings before the respondents, this Court is of the view that the vehicle may be released without prejudice to the confiscation proceedings.

6. Accordingly, the respondents are directed to release the vehicle in question to the petitioner within a period of 7 days subject to the following conditions:

"(i) The petitioner shall produce necessary documents before the respondents to establish the ownership of the vehicle in question;

(ii) The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only), before the first respondent;

(iii) The petitioner shall give an undertaking that he will not use the vehicle for any illegal activities in future and shall produce the same as and when required by the respondents;

(iv) On doing so, the vehicle in question shall be returned to the petitioner;

(v) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned; and

(vi) The petitioner is also directed to participate in the enquiry to be conducted by the respondents."

7. This Writ petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1. The District Revenue Officer, Tirunelveli District, Tirunelveli.

2. The Inspector of Police,

Civil Supplies Crime Investigation Dept., Tirunelveli.

+1CC to Mr. T. Lenin Kumar, Advocate, SR.No. 43012

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