



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :12.10.2020
CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

WEB COPY

W.P. (MD) No.13562 of 2020

K.Ponnambalam : Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office, Madurai.

2.The Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.

: Respondents

RAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents to release the petitioner's Mahindra & Mahindra Bolero Pickup bearing Registration No.TN-36-AE-9585, Engine No.TBH1L41122 Chassis No.MA1ZU2TBKH1L88437, seized by the 2nd respondent police by considering the petitioner's representation, dated 21.09.2020 within a time stipulated by this Court.

For Petitioner : Mr.T.Veerakumar

For R1 : Mr.Karthik
Central Government Standing Counsel

For R2 : Mr.C.Ramar
Additional Government Pleader

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to direct the respondents to release the petitioner's Mahindra & Mahindra Bolero Pickup bearing Registration No.TN-36-AE-9585, seized by the 2nd respondent police by considering the petitioner's representation, dated 21.09.2020 within a time stipulated by this Court.

2.Heard Mr.T.Veerakumar, learned Counsel appearing for the petitioner, Mr.S.Karthik, learned Central Government Standing Counsel appearing for the 1st respondent and Mr.C.Ramar, learned Additional Government Pleader appearing for the 2nd respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



3.It is the case of the petitioner that he is the owner of the Mahindra & Mahindra Bolero Pickup bearing Registration No.TN-36-AE-9585. According to him, on 12.09.2020, the second respondent has registered a case against the petitioner in Crime No.309 of 2020 for the offences punishable under Section 12(1)(a) of Passport Act, 1967 alleging that the petitioner's vehicle was involved in illegal transportation of 34 bags of Virali Turmeric for the purpose of smuggling the same to Srilanka. According to the petitioner, ever since the seizure, the said vehicle is still in the custody of the Police.

4.It is also the contention of the petitioner that the vehicle has also not been produced by the respondent Police before the concerned Jurisdictional Court. According to him, the seized vehicle is kept idle in the Police Station premises in the open place and exposed to the vagaries of nature, resulting in the vehicle depreciating in value.

5.According to the petitioner, he gave a representation to the respondents on 21.09.2020 for releasing of the seized vehicle back to him. According to him, the respondents have failed to respond to the said representation. In such circumstances, he has filed this Writ Petition seeking for release of the seized vehicle.

6.Admittedly, the vehicle was seized by the respondent police on 12.09.2020 and a case has been registered in Crime No.309 of 2020 for the offences punishable under Section 12(1)(a) of Passport Act, 1967 alleging that the petitioner's vehicle has been involved in illegal transportation of Virali Turmeric. Admittedly, the vehicle is now in the Police Station premises and kept in the open place and exposed to the vagaries of nature and has also not been produced before the Jurisdictional Court.

7.As rightly contended by the learned counsel appearing for the petitioner, the vehicle will certainly depreciate in value, if it is allowed to remain in the open place and kept idle for a long period of time. No useful purpose will be served if the vehicle is allowed to be kept idle. In similar matters, this Court has granted release of seized vehicles to the respective petitioners subject to fulfillment of certain conditions. Therefore, this Court is inclined to grant similar relief to the petitioner subject to fulfillment of the following conditions:-

*(i)the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** in favour of the first respondent within a period of two weeks from the date of receipt of a copy of this order.*

(ii)the petitioner shall not alienate or encumber the vehicle in question till the proceedings are completed.



(iii)the petitioner shall not change the colour and scheme of the vehicle.

(iv)the petitioner shall not use the vehicle for any illegal activities.

(v)before releasing the vehicle, the police authority shall take photographs of the vehicle at the cost of the petitioner.

(vi)The petitioner shall produce all xerox copies of the documents pertaining to the ownership of the seized vehicle to the third respondent.

(vii)As and when the respondents call for the vehicle for enquiry, the petitioner has to produce the vehicle in question and he shall cooperate with the enquiry to be conducted by the respondents.

8. Upon completion of the above mentioned formalities, the respondents shall release the Mahindra & Mahindra Bolero Pickup bearing Registration No.TN-36-AE-9585 to the petitioner forthwith and without any delay. If this undertaking given by the petitioner is breached, the petitioner will not be entitled for interim release of the vehicle in the future.

9. The Writ Petition is disposed of accordingly. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Inspector of Police,
Mandapam Police Station, Ramanathapuram District.

2.The Regional Passport Officer,
Regional Passport Office, Madurai.

+1 CC to M/s.S. KARTHIK, Advocate (SR-19837[F] dated 13/10/2020)
+1 CC to M/s.Special Govt.Pleader (SR-19889[F] dated 13/10/2020)

Order made in
W.P. (MD) No.13562 of 2020
12.10.2020