



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.10.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

WEB COPY

W.P. (MD)No.14358 of 2020

C.Vijayan

... Petitioner

Vs

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Ramanathapuram District.

2.The Inspector of Police,
Civil Supplies C.I.D.,
Ramanathapuram.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to release the petitioner's vehicle i.e., MAHINDRA MAXX PICK UP GV MCP load Van bearing Registration No.TN 58 Q 1463 seized by the 2nd respondent pursuant to the registered of FIR in Crime No.92 of 2020 dated 06.08.2020 on the basis of the petitioner's representation dated 30.09.2020 within the time fixed by this Court.

For Petitioner : Mr.M.Shakul Hameed

For Respondents : Mrs.M.Rajeswari
Government Advocate

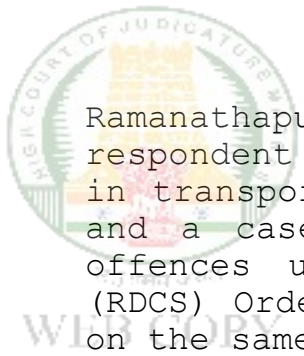
ORDER

This writ petition has been filed for a Mandamus to direct the first respondent to release the petitioner's vehicle viz., MAHINDRA MAXX PICK UP GV MCP load Van bearing Registration No.TN 58 Q 1463

2. Heard Mr.M.Shakul Hameed, learned counsel appearing for the petitioner and Mrs.M.Rajeswari, learned Government Advocate appearing for the respondents.

3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

4. It is the case of the petitioner that he is the owner of the vehicle namely MAHINDRA MAXX PICK UP GV MCP load Van bearing Registration No.TN 58 Q 1463. According to the him, on 06.08.2020, his son took the above vehicle for unloading some provisions at



Ramanathapuram along with two others. After that, the second respondent seized the vehicle alleging that the vehicle was involved in transportation of 50 bags of rice meant for public distribution and a case was also registered in Crime No.92 of 2020 for the offences under Sections 6(4) of Tamilnadu Scheduled Commodities (RDSCS) Order 1982 r/w 7(1)(a)(ii) of Essential Commodities Act 1955 on the same day.

5. It is the contention of the petitioner that he is never involved in any illegal transportation of PDS rice. According to the petitioner, the seized vehicle is now being kept in the open place and due to exposure of sun and rain and the vagaries of nature, the vehicle will lose its value and may, ultimately become a wreck and worthless. In such circumstances, this Writ Petition has been filed seeking for release of the said vehicle.

6. The petitioner has also given a representation on 30.09.2020 to the respondents seeking for release of the said seized vehicle. According to the petitioner, the said representations have not been considered by the respondents till date. As rightly contended by the petitioner, if the vehicle, which was seized by the second respondent, is kept in the open place, it will not be useful to anyone in the near future and if it is continued to remain in the open, it has to face the vagaries of nature and ultimately will become a wreck and worthless. However, whether the petitioner has committed the alleged offence or not can be adjudicated only after trial before the Criminal Court. Till such time, the vehicle cannot be kept idle. Therefore, this Court is inclined to grant an order as sought for by the petitioner in this Writ Petition, subject to the fulfillment of the following conditions by the petitioner.

*(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 give an unconditional undertaking to the first respondent that he shall not alienate or encumber the vehicle in question without permission of the Jurisdictional Magistrate till the completion of the confiscation proceedings

(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 second 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.

7. Upon completion of the above mentioned formalities, the fourth respondent shall release the vehicle viz., MAHINDRA MAXX PICK UP GV MCP load Van bearing Registration No.TN 58 Q 1463 to the petitioner forthwith without any delay. If this undertaking given by the petitioner is breached, the petitioner will not be entitled to interim release of the vehicle in future. As far as confiscation proceedings initiated against the seized vehicle is concerned, the same can go on without any interference.

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

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Ramanathapuram District.

2.The Inspector of Police,
Civil Supplies C.I.D., Ramanathapuram.

+1 CC to M/s.Special Govt.Pleader (SR-20184[F] dated 15/10/2020)

W. P. (MD)No.14358 of 2020

14.10.2020

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SDS (20.10.2020) 3P-4C

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