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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.11.2021

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.27488 of 2017
and
W.M.P.No.29379 of 2017

B.Mahaboob Khan

...Petitioner

Vs.

1. The District Supply cum
Consumer Protection Officer,
Krishnagiri,
Krishnagiri District.
2. The Special Tahsildar,
(Flying Squad),
District Supply Office,
Krishnagiri,
Krishnagiri District.
3. The Inspector of Police,
Civil Supplies Distribution cum
Crime Investigation Department
Krishnagiri Police Station,
Krishnagiri District.
4. Automobile Engineer,
(incharge)
Government Vehicle Automobile Locomotive,
Dharmapuri - 5.

...Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to release the vehicle namely Tata Lorry Bearing Registration No.TN-29-W-3899 to the petitioner within the time to be stipulated by this Court.

For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.V.Nanmaran
Additional Government Pleader



O R D E R

This writ petition has been filed to issue a Writ of Mandamus, to direct the respondents to release the vehicle namely Tata Lorry Bearing Registration No.TN-29-W-3899 to the petitioner.

2. On 10.11.2021, this Court passed the following order:

"The learned counsel for the petitioner submits that the present writ petition has been filed to release his vehicle, Tata Lorry bearing Registration No.TN-29-W-3899.

2. The vehicle was seized by the second respondent for the reason that they have caught hold of Rs.2000/- value of the ration rice which was seized in the year 2017 and till date the vehicle is with the third respondent.

3. The learned counsel appearing for the respondents submits that he is not aware of the fact about the custody of the vehicle with the third respondent. Thus, if the vehicle is in the custody of the third respondent, he is directed to file a detailed status report, as what steps he has taken to protect the vehicle so as to its value will not be diminished during the period of four years and what is the present status of the vehicle.

4. Post the matter on 24.11.2021, for filing status report."

However, no status report has been filed in order to ascertain the condition of the vehicle. It is pertinent to note that the vehicle was seized in the year 2017 and by the third respondent since it was involved in a crime of transportation of rice which is meant for Public Distribution System and it has been in the custody of 3rd respondent all along and it was kept idle exposed to sun and rain and due to which the value of the vehicle would be drastically getting diminished. In such circumstances, the learned counsel appearing for the petitioner would submit that if the vehicle is continued to be in the custody of 3rd respondent, it will turn as a scrap and thereby it cannot be put in use and therefore, he prayed this Court to direct the respondents to release the vehicle forthwith and the petitioner will oblige any condition that would be imposed by this Court.



3. Considering the facts and circumstances and the submissions made by the learned counsel for the petitioner and in view of the facts that the vehicle of the petitioner has been seized and under the custody of the third respondent for the last four years and kept idle without use and also this Court feels it appropriate to direct the respondents to release the vehicle subject to the conditions as follows:

The vehicle bearing Registration No. TN-29-W-3890 is directed to be given in custody of the petitioner on condition that he shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only);

ii. The petitioner is directed to produce the RC Book before the respondents as and when required

iii. The petitioner is directed not to alienate or encumber the said vehicle till the disposal of the case.

iv. The petitioner is directed not to alter the physical condition of the vehicle and produce the same as and when required for the purpose of investigation by the respondents

4. With the above direction, the Writ Petition is allowed. No costs. Consequently, connected WMP is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Pns

To

1. The District Supply cum
Consumer Protection Officer,
Krishnagiri,
Krishnagiri District.
2. The Special Tahsildar,
(Flying Squad),
District Supply Office,
Krishnagiri,
Krishnagiri District.



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3. The Inspector of Police,
Civil Supplies Distribution cum
Crime Investigation Department
Krishnagiri Police Station,
Krishnagiri District.

4. The Automobile Engineer,
(incharge)
Government Vehicle Automobile Locomotive,
Dharmapuri - 5.

+1cc to Mr.R.Bharath Kumar, Advocate, S.R.No.61250

+1cc to the Government Pleader, S.R.No.61486

W.P.No.27488 of 2017

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NSK 09/12/2021