



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2021

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.13295 of 2021

Palanimurugan

.. Petitioner

Vs.

1. The Revenue Divisional Officer,
Kadaiyanallur,
Thenkasi District.

2. The Superintendent of Police,
Thenkasi District.

3. The Inspector of Police,
Puliyangudi Police Station,
Thenkasi District.

4. The Inspector of Police,
Prohibition Wing,
Alangulam,
Thenkasi District.

..Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to release petitioner's TVS JUPITER vehicle bearing registration TN-79-B-8853, Engine No. BG4DG1936509, Chassis No.MD62BG47GID39236, seized by the 3rd respondent police, by considering the petitioner's representation, dated 09.07.2021 within a time stipulated by this Court.

For Petitioner : Mr.M.Karunanithi

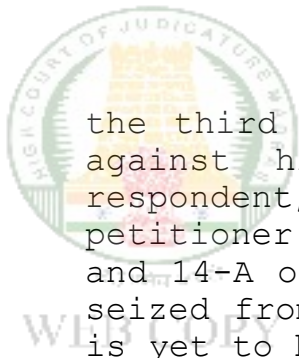
For Respondents : Mr.D.Ghandiraj

Government Advocate

ORDER

Prayer sought for herein is for a Writ of Mandamus, directing the respondents to release petitioner's TVS JUPITER vehicle bearing registration TN-79-B-8853, Engine No.BG4DG1936509, Chassis No. MD62BG47GID39236, seized by the 3rd respondent police, by considering the petitioner's representation, dated 09.07.2021.

2.The petitioner is the owner of a two wheeler, that is, TVS Jupiter bearing Registration No.TN-79-B-8853, which was seized by



the third respondent police in connection with the case registered against him in Crime No.304/2021 on the file of the third respondent, under which, the case has been registered against the petitioner for the alleged offences punishable under Section 4(1)(i) and 14-A of Tamilnadu Prohibition Act. Though the said vehicle was seized from the petitioner on 11.06.2021, so far, the investigation is yet to be completed. With the result, the vehicle in question has been stationed in front of the third respondent police station, by thus, it is exposed to sunlight and rain. Therefore, in order to get back the vehicle by way of interim custody, the petitioner has given a representation to the respondent on 09.07.2021, that was also, since not considered, the petitioner has approached this Court by filing the present Writ Petition.

3.Reiterating the aforesaid, Mr.M.Karunanithi, learned counsel appearing for the petitioner, seeks indulgence of this Court to issue the direction to the respondents to give the vehicle in question by way of interim custody to the petitioner, as against which, whatever the condition imposed by this Court, the petitioner would abide by the same.

4.Per contra, Mr.D.Ghandiraj, learned Government Advocate appearing for the respondents, would submit that the vehicle was seized on 11.06.2021, pursuant to, a case has been registered against him, where the investigation is still going on. Therefore, at this juncture, if the vehicle in question is released by way of interim custody to the petitioner, he may tamper the vehicle and sell or create any third party right, thus, it will be difficult for the investigating agency to complete the investigation and produce the same before the concerned Magistrate Court, at the relevant point of time, therefore, the learned Government Advocate is opposing the prayer sought herein.

5.I have considered the said rival submissions made by the learned counsel appearing for the parties and have perused the material placed before this Court.

6.Admittedly, the investigation is still pending, therefore, the vehicle is in the custody of the third respondent. No doubt, certainly, it will be exposed to sunlight and rain, by thus, the value of the vehicle would definitely get diminished, if it is continued to be stationed in the open ground, instead, if the vehicle is given by way of interim custody, no prejudice would be caused to the respondents, provided, if stringent conditions are imposed to ensure that the petitioner shall not tamper the vehicle or create any third party right.

7.In this view of the matter, this Court is inclined to pass the following order:



"The respondents are directed to consider the representation of the petitioner and the vehicle bearing Registration No.TN-79-B-8853, shall be given to the petitioner for interim custody on condition that the petitioner shall surrender all original documents pertaining to the said vehicle to the respondent police and the vehicle shall not be exploited or no third party right shall be created until further orders and the petitioner shall give an undertaking in writing to the respondent police to produce the said vehicle, whenever it is required for investigation and for further purposes in the said case as and when required by the respondents."

8.With the above conditions, the vehicle in question shall be released to the petitioner as an interim custody, within a period of one week from the date of receipt of a copy of this order.

9.With the above direction, this writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

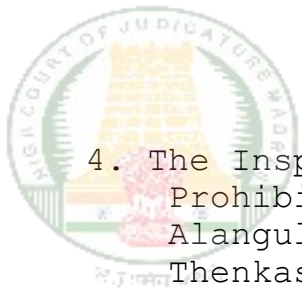
PJL

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,
Kadaiyanallur,
Thenkasi District.
2. The Superintendent of Police,
Thenkasi District.
3. The Inspector of Police,
Puliyangudi Police Station,
Thenkasi District.

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



4. The Inspector of Police,
Prohibition Wing,
Alangulam,
Thenkasi District.

WEB COPY

+1 CC to M/s.SPL. GP (SR-30138[F] dated 24/09/2021)

W.P. (MD) No.13295 of 2021
23.09.2021

TR(27.09.2021) 4P 6C