



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2021

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.16258 of 2021

Ramesh

...Petitioner

-Vs-

1.The Additional Superintendent of Police,
Excise & Prohibition Wing,
Dindigul Division,
Collectorate Campus, Dindigul.

2.The Inspector of Police,
Oddanchatram Police Station,
Dindigul District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents and their subordinate to consider petitioner's representation dated 26.07.2021 and to release his Maruthi Omni Van bearing registration No.TN-07-R-6557 seized on 03.07.2021 by the second respondent, which is now under his custody and to hand over the same to the petitioner.

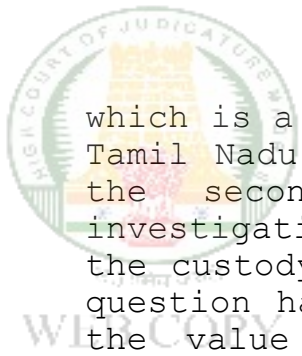
For Petitioner : Mr.N.Adithya Vijayalayan

For Respondents : Mr.D.Ghandiraj
Government Advocate

O R D E R

The prayer sought in this Writ Petition is for a Writ of Mandamus, directing the respondents and their subordinates to consider the petitioner's representation dated 26.07.2021 and to release his Maruthi Omni Van bearing registration No.1TN-07-R-6557 seized on 03.07.2021 by the second respondent, which is now under his custody and to hand over the same to the petitioner.

2.It is the case of the petitioner that, the petitioner is the owner of the four wheeler bearing Registration No.TN-07- R-6557, Maruthi Omni Car and the said vehicle was seized by the respondent police in connection with a case registered in Cr.No.864 of 2021,



which is a case filed against the petitioner under the provisions of Tamil Nadu Prohibition Act. The said vehicle, though was seized by the second respondent police on 03.07.2021, so far, the investigation is yet to be completed and the vehicle is still with the custody of the second respondent. With a result, the vehicle in question has been exposed to sun light and rain, because of which, the value of the vehicle would get diminished and it may be vulnerable that the spare parts of the petitioner's vehicle may be stolen in due course.

3. In this context, it is the further grievance of the petitioner that, in order to get the vehicle by way of interim custody, though the petitioner has given a representation to the respondent police on 26.07.2021, the same has not been considered. Hence, the petitioner has approached this court with the present prayer in this writ petition.

4. I have heard, Mr.N.Adithya Vijayalayan, learned counsel appearing for the petitioner, who seeks indulgence of this court in view of the aforesaid facts and seeks to issue a direction to the first respondent to release the petitioner's vehicle as interim custody.

5. I have heard Mr.D.Ghandiraj, learned Government Advocate appearing for the respondents, who, on instruction, would submit that, first time the petitioner is involved in such an offence. However, the investigation is still pending in this case and unless and until the investigation is completed and the vehicle is produced before the concerned Magistrate court, at the time of filing of charge sheet, if the vehicle is handed over to the petitioner by way of interim custody, as in that case, the petitioner may tamper the vehicle and in order to avoid the creation of any third party right, the request of the petitioner may be rejected, he contended.

6. I have considered the said submissions made by the learned counsel for the parties and have perused the materials placed before this court.

7. No doubt, so far, the investigation is still pending and it is yet to be completed. Therefore, in this regard whether the vehicle in question is required for completion of investigation or not depends upon the requirement and based on which, whenever the vehicle is required by the respondent, the petitioner can very well produce the vehicle, otherwise, the vehicle in question if permitted to get exposed, as apprehended by the learned counsel for the petitioner, certainly, the value of the vehicle would get diminished and thereby, prejudice would be caused to the petitioner. On the other hand, if the vehicle is permitted to be released by way of interim custody with stringent conditions, no prejudice would be caused to the respondents. In that view of the matter, this court is



inclined to dispose of this writ petition with the following order:

"The respondent is directed to consider the representation of the petitioner and the vehicle bearing Registration No.TN 07 R 6557, shall be released 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 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 respondent."

8.With the above directions, this writ petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PNM/MR

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 Additional Superintendent of Police,
Excise & Prohibition Wing,
Dindigul Division,
Collectorate Campus, Dindigul.

2.The Inspector of Police,
Oddanchatram Police Station,
Dindigul District.

+1 CC to M/s.GP (SR-28818[F] dated 13/09/2021)

W.P. (MD) No.16258 of 2021

Dated:

09.09.2021