



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.10.2021**

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.17866 of 2021
(through video conference)

Kalaiselvam

... Petitioner

-Vs-

1.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.

2.The Deputy Superintendent of Police,
Prohibition and Exercise,
Ramanathapuram District.

3.The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to release the petitioner CHEVROLET TAVERA NEO3 bearing Registration No. TN 65 AB 8616 within the time stipulated by this Court.

For Petitioner : Mr.J.Vishnu
For Respondents : Mr.D.Ghandiraj
Government Advocate

ORDER

The prayer sought for herein is for a Writ of Mandamus, directing the respondents herein to release the petitioner CHEVROLET TAVERA NEO3 bearing Registration No. TN 65 AB 8616, within the time stipulated by this Court.

2.The petitioner's vehicle, CHEVROLET TAVERA NEO3 bearing Registration No.TN 65 AB 8616 was seized, relating to a crime registered in Crime No.281 of 2021 on the file of the third respondent on 12.06.2021 for the alleged offence punishable under Section 4(1)(a) of Tamil Nadu Prohibition Act.

3.In view of the pendency of the investigation, the vehicle seized from the petitioner had been kept at the 3rd respondent police station and it is being exposed to sunlight and rain for the past



nearly about 3 months and more. With the result, the vehicle is since getting exposed, its value is getting diminished. It is also vulnerable that its spare parts may get tampered by any third parties. Hence, in order to get back the vehicle by way of an interim custody, as it is the only livelihood for the petitioner, the petitioner has given a representation to the respondents on 22.09.2021. However, the said representation since has not been considered and the vehicle has not been released by way of interim custody, he has approached this Court by filing the present writ petition.

4. Heard, Mr.J.Vishnu, learned Counsel appearing for the petitioner who having reiterated the aforesaid factual matrix seeks indulgence of this Court.

5. Heard, Mr.D.Ghandiraj, learned Government Advocate appearing for the respondents, who, on instructions, would submit that though there is no previous case pending against the petitioner, insofar as the investigation is concerned, it is still going on. Therefore, at this juncture if the vehicle is released, there may be chance that the vehicle may get tampered and third party right may be created by the petitioner and in that case, it will be difficult for the investigation agency to complete the investigation and to file a charge sheet along with vehicle before the concerned Court. Therefore, the learned Government Advocate is opposing release of the vehicle by way of interim custody.

6. I have considered the rival submissions made by the learned counsel appearing for both parties and have perused the materials placed before this Court

7. In similar circumstances, a number of orders have been passed by this Court and I have passed an order in W.P.(MD)No.15224 of 2021, on 25.08.2021, where I have given the following directions:

"7. In that view of the matter, this Court is inclined to dispose of this Writ Petition with the following order:

that the vehicle, two wheeler "HERO PASSION XPRO CS" bearing registration No.TN 65 U 7578 of the petitioner connected with Crime No.334 of 2021 on the file of the respondent police shall be released by way of interim custody to the petitioner with the following conditions:

(i) the petitioner shall hand over all the original documents pertaining to the vehicle to the respondent police;

(2) The vehicle shall not be alienated or tampered with;

(3) The vehicle shall be produced to the respondent police, as when required for completion



of the investigation; and

(4)The vehicle shall not be moved from the jurisdiction of the respondent police.

With these conditions, the vehicle in question can be released by way of an interim custody to the petitioner and needful shall be undertaken by the respondents within a period of two weeks from the date of receipt of a copy of this order."

Therefore, following the same, similar directions can be issued in this case.

8.In view of the aforesaid, there shall be a direction to that effect in this case also. This Court is inclined to dispose of this Writ Petition with the following order:

that the vehicle, CHEVROLET TAVERA NEO3 bearing Registration No. TN 65 AB 8616 of the petitioner connected with Crime No.281 of 2021 on the file of the third respondent police shall be released by way of interim custody to the petitioner with the following conditions:

(i)the petitioner shall hand over all the original documents pertaining to the vehicle to the respondent police;

(2)The vehicle shall not be alienated or tampered with;

(3)The vehicle shall be produced to the respondent police, as when required for completion of the investigation; and

(4)The vehicle shall not be moved from the jurisdiction of the respondent police.

With these conditions, the vehicle in question can be released by way of an interim custody to the petitioner and needful shall be undertaken by the respondents within a period of two weeks from the date of receipt of a copy of this order.

9.With these directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.
- 2.The Deputy Superintendent of Police,
Prohibition and Exercise,
Ramanathapuram District.
- 3.The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.

+1 CC to M/s.SPL.GP (SR-31010[F] dated 04/10/2021)

W.P. (MD) No.17866 of 2021

Dated:

01.10.2021

MGJ(04.10.2021) 4P 5C