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W.P.No.26530 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM :

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR**

W.P.No.26530 of 2022

P.Mohammed Rafiq

.. Petitioner

vs

1. The District Revenue Officer  
O/o The District Collector  
Coimbatore District.

2. The Inspector of Police  
CSCID, Coimbatore  
Coimbatore District.

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to release the petitioner's Mahindra Pickup Van bearing Registration number TN-66-S-8399 which was seized by the second respondent on 22.03.2022 by consider the petitioner's representation dated 20.09.2022.

For Petitioner : Mr.A.Sathishkumar

For Respondents : Mr.R.Kumaravel  
Additional Government Pleader



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### ORDER

The prayer sought for herein is a Writ of Mandamus, directing the first respondent to release the petitioner's Mahindra Pickup Van bearing Registration number TN-66-S-8399, which was seized by the second respondent on 22.03.2022, by considering the petitioner's representation dated 20.09.2022.

2. The petitioner's vehicle, called the Mahindra Max Pickup Van, with the Registration No. TN-66-S-8399, was seized by the second respondent Police for the alleged transportation of PDS rice to the extent of 5,100 kgs. Thereafter, a case was registered and investigation is pending at the hands of the second respondent.

3. However, for all these months, from 22.03.2022 till date, the vehicle in question has been stationed in an open ground, exposed to the sunlight and rain, by thus, the value of the vehicle is getting diminished and it is vulnerable as the parts of the vehicle could be stolen. Therefore, in order to release the vehicle, as a considerable part of the investigation by this time would have been over, the petitioner has moved the present writ petition with the aforesaid prayer.



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4. Reiterating the aforesaid, Mr.A.Sathishkumar, learned counsel appearing for the petitioner would submit that whatever the conditions being imposed by this Court for release of the vehicle, the petitioner would abide to that and he would comply with the same.

5. Heard Mr.R.Kumaravel, learned Additional Government Pleader appearing for the respondents, who would submit that since 5,100 Kgs of PDS rice was transported, the vehicle was seized and the investigation is going on. Therefore, at this juncture, if the vehicle is released, the petitioner may tamper the vehicle or he may transfer the vehicle to any third party's name, by which, further completion of the investigation would be hampered. Therefore, learned Additional Government Pleader opposed the move of releasing the vehicle.

6. I have considered the said submissions made by both side learned counsel and have perused the materials placed before this Court.

7. As the vehicle was seized some time in March, 2022, by this time investigation would have been progressed considerably. Be that as it may. Insofar as the vehicle is concerned, since it is a motor vehicle and has been exposed to



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sunlight and rain, without any proper security for months together, certainly it would be vulnerable, as its value would get diminished and its spare parts may get stolen. Instead of keeping the vehicle further in that stage, this Court feels that it can be released by imposing certain conditions, as these kinds of orders have already been passed in a number of cases of this nature.

8. Accordingly, this Court is inclined to dispose of this writ petition with the following orders:

(i) That there shall be direction to the respondent to release the vehicle No. TN-66-S-8399, seized on 22.03.2022 at the following conditions:

(a) That the petitioner shall deposit a sum of Rs.15,000/- at the respondents and also the petitioner shall not transfer the vehicle to any third party and in this regard, whenever the vehicle is required by the second respondent for investigation purpose, the same shall be produced without fail. The spare parts of the vehicle shall be kept intact and no modification to such spare parts shall be undertaken by the petitioner under any circumstances.



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9. With these conditions, the vehicle in question can be released.

Accordingly, the writ petition is disposed of. There will be no order as to costs.

**30.11.2022**

Index: Yes/No

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To

1. The District Revenue Officer  
O/o The District Collector  
Coimbatore District.
2. The Inspector of Police  
CSCID, Coimbatore  
Coimbatore District.



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**R. SURESH KUMAR, J.**

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