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W.P.No.27419 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.27419 of 2022

Mugamathu Thoufic

.... Petitioner

-Vs-

1.The District Revenue Officer
Coimbatore, Coimbatore District.

2.State rep.by its Inspector of Police
Civil Supply CID-Pollachi
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 1st respondent to release the petitioner's vehicles bearing Registration No.TN-48-W-4338 and TN-37-BU-4776 seized by the 2nd respondent on 16.07.2021 based on the petitioner's representation dated 20.09.2021.

For Petitioner : Mr.W.Camyles Gandhi

For Respondents : Mr.T.K.Saravanan
Government Advocate – for R1

Mr.R.Kumaravel
Additional Government Pleader – for R2



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ORDER

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The prayer sought for herein is for a Writ of Mandamus directing the 1st respondent to release the petitioner's vehicles bearing Registration No.TN-48-W-4338 and TN-37-BU-4776 seized by the 2nd respondent on 16.07.2021 based on the petitioner's representation dated 20.09.2021.

2. The petitioner's vehicles bearing Registration Nos.TN-48-W-4338 and TN-37-BU-4776 were seized by the second respondent on 16.07.2021 and FIR to that effect has been registered in Crime No.182/2021 in the concerned police station on the same day for the alleged offences under Sections 6(4) of the TNSC (RDCS) Order 1982 read with Section 7(i)a(ii) of the Essential Commodities Act, 1955.

3. As per the FIR, the allegation against the petitioner was that, these vehicles were stationed in front of the godown where 17,200 Kgs of PDS rice were stocked illegally. Therefore, the vehicles since were about to be used for taking the PDS rice illegally, the same were seized by the police and have been under the custody of the police so far.



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4. In this regard, the petitioner has given a representation on 20.09.2021 to release the vehicles against any condition to be imposed in this regard. Since so far the representation has not been considered and the vehicles have not been released, the petitioner has moved the present writ petition with the following order.

5. Heard the learned counsel for the petitioner and the learned Government Counsel appearing for the respondents.

6. Learned Government counsel would contend that since 17200 Kgs of PDS rice was about to be illegally transported, for which the vehicles in question were going to be used, the same were seized to prevent the said offence and therefore the vehicles are under the custody of the respondent police.

7. I have considered the rival submissions made by the learned counsel for the parties and have perused the materials placed on record.

8. Insofar as the investigation to be conducted by the police pursuant to the FIR registered against the persons including the vehicles' owner is concerned, let them investigate the matter and file a charge sheet. In the



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meanwhile, during the pendency of the investigation, if the vehicles are placed in open area the same may get exposed to open sky and rain due to which the vehicles may get damaged and the value of the vehicles would get diminished. Even there is a possibility that the spare parts of the vehicles would be stolen if they are stationed in open place without any security.

9. Therefore, in order to avoid the same and at the same time to have a clutch over the petitioner, this Court is inclined to dispose of this writ petition with the following order. There shall be a direction to the respondents 1 and 2 to release the vehicles in question bearing Registration Nos.TN-48-W-4338 and TN-37-BU-4776 of the petitioner on the following conditions.

- The petitioner shall deposit a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) towards each vehicle totalling to Rs.50,000/- (Rupees Fifty Thousand only) in an account to be created in this regard at the first respondent office and the said amount shall be kept till further orders are passed by the appropriate Court where the charge sheet is filed by the respondent police.
- The petitioner shall execute a bond that he will not tamper the vehicles or transfer or sell the vehicle till the investigation is over and charge sheet is filed and the case is decided.



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- Also, the petitioner shall produce the vehicle as and when required by the second respondent police during the investigation and also at the time of trial.
- On the aforesaid conditions, the vehicles in question shall be released by the respondents within a period of one week from the date of receipt of a copy of this order.

10. With the above directions, this writ petition is disposed of. No costs.

14.10.2022

Index : Yes/No

Internet : Yes/No

KST

Note : Issue order copy on 17.10.2022

To

1.The District Revenue Officer

Coimbatore, Coimbatore District.

2.State rep.by its Inspector of Police

Civil Supply CID-Pollachi

Coimbatore District.



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R. SURESH KUMAR, J.

KST

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