



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:10.02.2022

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No. 1336 of 2022

Maheshwaran

...Petitioner

Vs.

1.The Collector,
Office of the Collector,
Tiruchirapalli District.

2.The Sub-Collector/Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Trichuirappalli District.

3.The Additional Superintendent of Police,
CSCID,
Madurai District.

4.The Deputy Superintendent of Police,
CSCID-Madurai Police Station,
Tiruchirappalli District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the fourth respondent to release the vehicle seized by the fourth respondent relating to Crime No.184 of 2021 and the vehicle namely Tanker Lorry bearing registration No.TN-30-P-5886 to the petitioner.

For Petitioner : Mr.K.Pragadeesh Kumar
For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Cr1.Side)

O R D E R

The Writ Petition has been filed in the nature of Mandamus, seeking a direction to the fourth respondent to release the vehicle seized by the fourth respondent relating to Crime No.184 of 2021 and the vehicle namely Tanker Lorry bearing registration No.TN-30-P-5886 to the petitioner.

2.The petitioner was arrayed as the third accused in Crime No.184 of 2021, registered for the offences under Section 3 of the Motor Spirit and High Speed Diesel (Regulation of Supply & Distribution and Prevention of Malpractices) Order, 1998 r/w Section 7(1) (a) (ii) of Essential Commodities Act, 1955.



3.The petitioner is the owner of the vehicle. The case of the prosecution is that on 01.10.2021, the first accused possessed ten thousand litres of adulterated diesel in the lorry owned by the petitioner bearing Registration No.TN 30 P 5886. After seizure of vehicle, the petitioner filed a petition to return of vehicle before the Judicial Magistrate No.VI, Tiruchirapalli under Section 451 r/w Section 457 of Criminal Procedure Code. However, the Court below returned the petition as not maintainable.

4.The contention of the petitioner is that the seized vehicle is now being kept in the open place and due to exposure of sun and rain and the vagaries of nature, the vehicle will loss its value and may, ultimately become a wreck and worthless. In such circumstances, this Writ Petition has been filed seeking for release of the said vehicle.

5.As rightly contended by the petitioner, if the vehicle, which was seized by the respondent police, is kept in the open place, it will not be useful to anyone in the near future and if it is continued to remain in the open place, it has to face the vagaries of nature and ultimately will become a wreck and worthless. However, whether the petitioner has committed the alleged offence or not can be adjudicated only after trial before the Criminal Court. Till such time, the vehicle cannot be kept idle. Therefore, this Court is inclined to grant an order as sought for by the petitioner in this Writ Petition, subject to the fulfillment of the following conditions by the petitioner.

(i)Since it is the case involving seizure of ten thousand litres of adulterated diesel, the petitioner cannot give security by way of bond, in stead will have to give cash security. Accordingly, the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten thousand only) with the first respondent within a period of two weeks from the date of receipt of a copy of this order.

(ii)the petitioner shall give an unconditional undertaking to the first respondent that he shall not alienate or encumber the vehicle in question without permission of the Jurisdictional Magistrate till the completion of the confiscation proceedings

(iii)the petitioner shall not change the colour and scheme of the vehicle.

(iv)the petitioner shall not use the vehicle for any illegal activities.

(v)before releasing the vehicle, the police authority shall take photographs of the vehicle at the cost of the petitioner.



(vi) The petitioner shall produce all xerox copies of the documents pertaining to the ownership of the seized vehicle to the first respondent.

(vii) As and when the respondents call for the vehicle for enquiry, the petitioner has to produce the vehicle in question and he shall cooperate with the enquiry to be conducted by the respondents.

6. Upon completion of the above mentioned formalities, the respondents shall release the vehicle viz., pick up vehicle bearing registration No. TN-30-P-5886 to the petitioner forthwith and without any delay. If this undertaking given by the petitioner is breached, the petitioner will not be entitled to interim release of the vehicle in future. However, if there is any confiscation proceedings initiated against the seized vehicle, the same can go on without any interference.

7. The Writ Petition is disposed of accordingly. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

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 Collector,
Office of the Collector,
Tiruchirapalli District.
2. The Sub-Collector/Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Trichuirappalli District.
3. The Additional Superintendent of Police,
CSCID,
<https://hcservices.ecourts.gov.in/hcservices/>
Madurai District.



4.The Deputy Superintendent of Police,
CSCID-Madurai Police Station,
Tiruchirappalli District.

+1 CC to M/s.SPL.GP (SR-2820[F] dated 28/01/2022)

W.P (MD).No.1336 of 2022

10.02.2022

MGJ(03.03.2022) 4P 6C