



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3128 of 2022

C.Sri Renganath

... Petitioner

/Vs./

1.The District Revenue Officer,
District Collectorate Campus,
Madurai.

2.The Inspector of Police,
CSCID Wing Madurai,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to dispose of the petitioner's application seeking interim custody of the petitioner's vehicles bearing Registration Nos. TN 47 2396, TN 27 V 1728, TN 59 Y 4856, TN 58 2745, TN 59 D 7377, TN 39 T 6462 and TN 41 AR 2319 pending disposal of the confiscation proceedings in connection with FIR No.207 of 2021 registered on the file of the 2nd respondent.

For Petitioner	: Mr.A.Balaji
For Respondents	: Ms.S.Jeyapriya
	Government Advocate

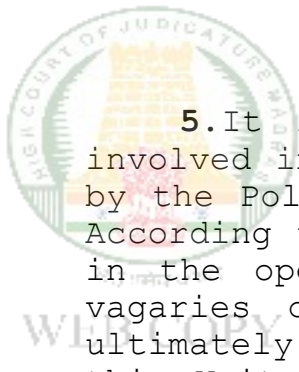
ORDER

This writ petition has been filed for a Mandamus to direct the first respondent to release the petitioner's vehicles bearing Registration Nos. TN 47 2396, TN 27 V 1728, TN 59 Y 4856, TN 58 2745, TN 59 D 7377, TN 39 T 6462 and TN 41 AR 2319 seized by the second respondent on 20.12.2021.

2.Heard Mr.A.Balaji, learned counsel appearing for the petitioner and Ms.S.Jeyapriya, learned Government Advocate, appearing for the respondents.

3.By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

4.It is the case of the petitioner that he is the owner of the aforementioned vehicles. According to the petitioner, on 20.12.2021, the respondent police seized the above-mentioned vehicles of the petitioner, alleging that the vehicles were used to illegally transport the ration rice and wheat and registered a case in Crime No.207 of 2021 for the alleged offence under Section 6(2), 6(3) and 6(4) of TNSC (RDCS) Order 1982 r/w. Section 7(1)(a)(ii) of the Essential Commodities Act, 1955.



5.It is the contention of the petitioner that he was never involved in any illegal transportation of Rice and wheat as alleged by the Police and he has not committed any prior criminal offence. According to the petitioner, the seized vehicles are now being kept in the open place and due to exposure of sun and rain and the vagaries of nature, the vehicles will lose 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 vehicles.

6.The petitioner has also given a representation on 10.01.2022 to the respondents seeking for release of the said seized vehicles. According to the petitioner, the said representation has not been considered by the respondents till date. As rightly contended by the petitioner, if the vehicles, which were seized by the second respondent, are kept in the open place, it will not be useful to anyone in the near future and if they are continued to remain in the open, 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 vehicles 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 PDS Rice, the petitioner cannot give security by way of bond, instead will have to give cash security. Accordingly, the petitioner shall deposit a sum of Rs.1,75,000/- (Rupees One Lakh and Seventy Five Thousand only) with the first respondent within a period of two [2] 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 vehicles 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 vehicles.

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

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

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

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



7. Upon completion of the above-mentioned formalities, the second respondent shall release the petitioner's vehicles viz., bearing Registration Nos. TN 47 2396, TN 27 V 1728, TN 59 Y 4856, TN 58 2745, TN 59 D 7377, TN 39 T 6462 and TN 41 AR 2319 to the petitioner forthwith without any delay. If this undertaking given by the petitioner is breached, the petitioner will not be entitled to interim release of the vehicles in future. As far as confiscation proceedings initiated against the seized vehicles is concerned, the same can go on without any interference.

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

Sd/-

Assistant Registrar (CS II)

// 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 District Revenue Officer,
Madurai District,
Madurai.

2. The Inspector of Police,
Civil Supplies CID,
Madurai District.

+1 CC to M/s.SPL GP (SR-7105[F] dated 18/02/2022)

W.P. [MD]No.3128 of 2022

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MGJ(02.03.2022) 3P 4C