



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9147 of 2022

Rajeshwaran

... Petitioner

Vs.

1. The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
2. The Deputy Superintendent of Police,
CSCID,
Virudhunagar,
Virudhunagar District.
3. The Inspector of Police,
CSCID police station,
Virudhunagar,
Virudhunagar District.
4. The Inspector of Police,
CSCID police station,
Madurai,
Madurai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to release the petitioner's vehicle i.e. TATA Ace bearing Registration No.TN 67-AM-7537 seized by the third respondent on 25.03.2022 and consider his representation dated 26.04.2022.

For Petitioner : Mr.T.Ajay

For Respondents : Mr.M.Sarangan,
Additional Government Pleader.

* * *

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

2. The petition mentioned vehicle was seized in connection with Crime No.57 of 2022 registered on the file of the third respondent.



3. The petition mentioned vehicle is presently in the custody of the first respondent. The vehicle is said to have been used for illegally transporting PDS rice.

4. It is of course open to the respondent authority to initiate confiscation proceedings. In this case we are concerned only with the issue of granting interim custody of the vehicle to the petitioner.

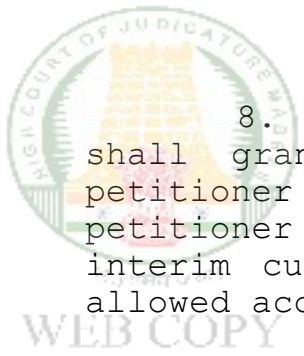
5. It is stated that the vehicle is still in the name of the previous owner, namely Marimuthu Asari. Even though the petitioner has purchased the vehicle, necessary endorsements have not been made in the R.C. Book. It is well settled that a movable property can be transferred by delivery of the goods. The petitioner shall produce relevant documents such as the original R.C.book before the first respondent while seeking interim custody of the vehicle. If the first respondent is satisfied that the petitioner has purchased the vehicle, interim custody shall be granted to the petitioner forthwith even if his name is not in the R.C.Book.

6. No purpose will be served in keeping the vehicle under the custody of the respondents. The Hon'ble Supreme Court in the decision reported in (2002) 10 SCC 283 (Sunderbhai Ambalal Desai and Others V. State of Gujarat) has held as follows:-

"17.In our view, whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles.

7. Therefore, the first respondent is directed to grant interim custody of the said vehicle to the petitioner subject to the following conditions:-

- a) *The petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) towards costs to the credit of the Tamil Nadu Legal Services Authority, Madurai Bench of Madras High Court, Madurai. It will be a non-refundable payment.*
- b) *The petitioner shall not alienate or encumber the vehicle till the proceedings are completed.*
- c) *The petitioner shall produce all the documents pertaining to the ownership of the seized vehicle.*
- d) *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.*



8. Upon completion of these formalities, the respondents shall grant interim custody of the vehicle forthwith to the petitioner without any delay. If this undertaking given by the petitioner is breached, the petitioner will not be entitled to interim custody of the vehicle in future. The Writ Petition is allowed accordingly.

9. I make it clear that allowing of this writ petition will not have any bearing to the confiscation proceedings that may be initiated by the authorities.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PMU

To:

1. The District Revenue Officer,
Virudhunagar District, Virudhunagar.
2. The Deputy Superintendent of Police,
CSCID,
Virudhunagar,
Virudhunagar District.
3. The Inspector of Police,
CSCID police station,
Virudhunagar, Virudhunagar District.
4. The Inspector of Police,
CSCID police station,
Madurai, Madurai District.
5. The Officer in charge,
Tamilnadu Legal Services Authority,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.SPL.GP (SR-24620[F] dated 08/06/2022)

+1 CC to M/s.M.KARUNANITHI, Advocate (SR-24655[F] dated 08/06/2022)

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