



W.P.(MD)No.15008 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15008 of 2022

Veyelu Thangam

... Petitioner

Vs.

1.The District Revenue Officer,
Thoothukudi District,
Thoothukudi.

2.The Inspector of Police,
Civil Supplies Crime Investigation Department,
Thoothukudi.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to release the ASHOK LEYLAND DOST bearing Registration No.TN-69-BC-0408 seized by the second respondent on 04.07.2022 to the petitioner.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.M.Sarangan

Additional Government Pleader



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ORDER

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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.107 of 2022 registered on the file of the second 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. 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:-



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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.

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

12.07.2022

Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN,J.

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