

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 07.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P (MD) No.27680 of 2022

M.Vijayakumar

... Petitioner / Owner of the Vehicle

Vs.

1.The District Revenue Officer,
Office of the District Revenue Officer,
Theni Collectorate, Theni Post,
Theni District.

2.The Inspector of Police,
Civil Supplies CID Uthamapalayam Police Station,
Uthamapalayam Post,
Theni District.
(Crime No.156 of 2022)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to release petitioner MAHINDRA vehicle bearing registration No. TN-60-AW-6467 on the basis of petitioner representation dated 19.09.2022 within the time stipulated by this Court.

For Petitioner : Mr.M.Karuppasamy Pandian

For Respondents : Mr.B.Saravanan,
Addl. Government Pleader for R1.
Mr.S.Manikandan,
Govt. Advocate (Crl. Side) for R2.

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

2. The petition mentioned vehicle was seized in connection with Crime No.156 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:-

"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."

6. 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 cost in the bank account of **Government Leprosy Home, Y.Pudhupatti, Madurai** (Savings **(*) Account No. 10111535878**, IFSC Code : SBIN0002246 State Bank of India, Othakadai Branch, Madurai). It will be a non-refundable payment. The Trust shall utilise the said amount for the benefits of the inmates of the Home.
- a) The petitioner shall not alienate or encumber the vehicle till the proceedings are completed.
- b) The petitioner shall produce all the documents pertaining to the ownership of the seized vehicle.
- c) 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. No costs.

WEB COPY

Sd/-

Assistant Registrar

**(*)Corrected as per the vide Court order
dated 19/12/2022 made in WP(MD)No.27680
of 2022.**

Sd/-

Assistant Registrar(CS II)

// True Copy //

19/12/2022

Sub Assistant Registrar(CO)

Ias

To:

- 1.The District Revenue Officer,
Office of the District Revenue Officer,
Theni Collectorate, Theni Post,
Theni District.
- 2.The Inspector of Police,
Civil Supplies CID Uthamapalayam Police Station,
Uthamapalayam Post,
Theni District.

COPY TO:

THE OFFICER INCHARGE,
GOVERNMENT LEPROSY HOME,
Y.PUDHUPATTI, MADURAI

- +1 CC to M/s.M.KARUPPASAMY PANDIAN, Advocate (SR-60342[F] dated 07/12/2022)
+1 CC to M/s.SPL.GP (SR-60723[F] dated 08/12/2022)

**W.P (MD) No.27680 of 2022
07.12.2022**