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W.P.No.8573 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No. 8573 of 2023

K.Saravanan

... Petitioner

Vs.

1. The District Revenue Officer,
Tiruvallur, Tiruvallur District.

2. The Inspector of Police,
Civil Supply, CID,
Tiruvallur,
Tiruvallur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to release the Ashok Leyland Dost (van type) bearing Registration No.TN 18 AF 8227 seized by the second respondent on 20.09.2022 to the petitioner herein.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.K.M.D.Muhilan, AGP

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to release the Ashok Leyland Dost (van



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type) bearing Registration No.TN 18 AF 8227 seized by the second respondent on 20.09.2022 to the petitioner herein.

2. Heard Mr.C. Prakasam, learned counsel for the petitioner and Mr.KMD.Muhilan, learned Additional Government Pleader appearing for the respondents.

3. It is the case of the petitioner that he is the owner of the aforementioned vehicle. According to the petitioner, on 20.09.2022, the respondent police seized the above~mentioned vehicle of the petitioner, alleging that the vehicle was used to illegally transport the rice bags and foisted the false case and registered a case.

4. It is the contention of the petitioner that he was never involved in any illegal transportation of Rice as alleged by the Police and he has not committed any prior criminal offence. According to the petitioner, 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 lose its value and may, ultimately become a wreck and worthless. In such



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circumstances, this writ petition has been filed seeking for release of the said vehicle.

5. It is also represented by the learned Additional Government Pleader appearing for the respondents that till date no confiscation orders has been passed as against the subject vehicle. The same is recorded.

6. As rightly contended by the petitioner, if the vehicle, which was seized by the 2nd respondent 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, 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 PDS Rice and vehicle, the petitioner cannot give security by way of bond, instead will have to give cash security. Accordingly, the petitioner



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shall deposit a sum of Rs.1,00,000/- (Rupees One lakh 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 the original RC Book and he shall also produce all xerox copies of the other documents pertaining to the ownership of the seized vehicle to the first respondent; and

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."

7. Upon completion of the above-mentioned formalities, the 2nd respondent shall release the vehicle viz., Petitioner's Ashok Leyland Dost (van type) bearing Registration No.TN 18 AF 8227 to the petitioner



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forthwith 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. As far as confiscation proceedings initiated against the seized vehicle is concerned, the same can go on without any interference.

8. With the above directions, the Writ Petition is disposed of. No costs.

05.04.2023

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Index : Yes/No

Internet : Yes/No

To

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2. The Inspector of Police,
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Tiruvallur,
Tiruvallur District.



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