



W.P(MD)No.641 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.641 of 2023

Thangapandian

... Petitioner

Vs.

1.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

2.The Inspector of Police,
Virudhunagar,
Civil Supplies C.I.D – Madurai.
(In Crime No.32/2021)

... 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 forth with to release my Eicher Van bearing Registration No.TN-76-AH-3528 from their custody on the basis of the petitioner's representation dated 05.01.2023.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.M.Siddharthan,
Addl. Government Pleader for R1.
Mr.B.Thanga Aravindh,
Govt. Advocate (Crl. Side) for R2.



W.P(MD)No.641 of 2023

ORDER

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

2. The petition mentioned vehicle was seized in connection with Crime No.32 of 2021 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:-



W.P(MD)No.641 of 2023

“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 second 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.7,500/-** (Rupees Seven Thousand and Five Hundred only) towards cost in the bank account number of the Principal District Judge, Dharmapuri (Ac No.30345829704, IFSC Code – SBIN0000832, State Bank of India, Dharmapuri Main Branch). It will be a non-refundable payment. The learned Principal District Judge, Dharmapuri is directed to spend the amount now deposited for enhancing the infrastructure of the courts in Dharmapuri District.*
- 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.*



W.P(MD)No.641 of 2023

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7. The petitioner's counsel submits that the petitioner's name is not figuring in the R.C.Book, because he is only an agreement holder. The original documents are with the financier. The respondents nevertheless are directed to return the same to the petitioner upon fulfilment of the conditions.

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. 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.

11.01.2023

Index : Yes / No

Internet : Yes/ No

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Issue order copy on 11.01.2023.



W.P(MD)No.641 of 2023

To:

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- 1.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
- 2.The Inspector of Police,
Virudhunagar,
Civil Supplies C.I.D – Madurai.



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W.P(MD)No.641 of 2023

G.R.SWAMINATHAN, J.

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W.P(MD)No.641 of 2023

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