



W.P(MD)No.826 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.826 of 2023

M.Rajkumar

... Petitioner

Vs.

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

2.The Inspector of Police,
Civil Supplies Crime Investigation
Department Police Station,
Theni District. (Crime No.290 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 Bolero Pickup (Four wheeler) vehicle bearing registration No.TN-37 BA 2508 on the basis of petitioner representation dated 30.12.2022 within the time stipulated by this Court.

For Petitioner : Mr.M.Karuppasamy Pandian

For Respondents : Mrs.S.Jeya Priya (for R1)
Government Advocate
Mr.B.Thanga Aravindh,
Govt. Advocate (Crl. Side) for R2.



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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.290 of 2022 registered on the file of the second respondent.

3. The petition mentioned vehicle is presently in the custody of the second 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:-



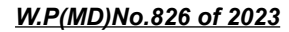
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“17.In our view, whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security 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.3,000/-** (Rupees Three Thousand 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.*

b) *The petitioner shall not alienate or encumber the vehicle till the proceedings are completed.*



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.

12.01.2023

Index : Yes / No

Note :Issue order copy on 12.01.2023



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To:

- 1.The District Revenue Officer,
Office of the District Revenue Officer,
Theni Collectorate, Theni District.
- 2.The Inspector of Police,
Civil Supplies Crime Investigation
Department Police Station,
Theni District.

Copy to:-

The Principal District Judge,
Dharmapurai.



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G.R.SWAMINATHAN, J.,

Rmk

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