



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2291 of 2023

Charles Mohan

... Petitioner

Vs.

1. The District Supply Officer,
Collectorate Complex,
Virudhunagar District.
2. The Inspector of Police,
Civil Supplies C.I.D.,
Virudhunagar Unit, Madurai.
(Crime No.49 of 2022)
3. The District Revenue Officer,
Virudhunagar,
Virudhunagar District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents herein forthwith to release the petitioner's Ashok Leyland Lorry bearing registration No. TN -75-AC-7204 from their custody on the basis of the petitioner's representation dated 28.01.2023

For Petitioner : Mr.K.Sathishkumar
For R-1 & R-3 : Mr.A.K.Manikkam,
Special Government Pleader.
For R-2 : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side).



"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 third 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.10,000/-** (Rupees Ten 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 Madurai Home.*
- b) The petitioner shall not alienate or encumber the vehicle till the proceedings are completed.*
- c) The petitioner shall produce all the documents pertaining to the ownership of the seized vehicle.*



If the petitioner is an agreement holder, he can produce the relevant xerox copies.

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. No costs.

06.02.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

Note : Issue order copy on 07.02.2023.



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To:

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G.R.SWAMINATHAN,J.

PMU

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