

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

DATED : 14.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.2885 of 2023

Muthusaranya

... Petitioner

Vs.**(*)1.The District Revenue Officer,**
Theni District.2.The Inspector of Police,
CSCID Police,
Madurai Range,
Uthamapalayam,
Theni District.

... 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 to release the petitioner's TATA ACE bearing Registration No.TN-47X 3510, pertaining to the case in Crime No.208 of 2022 on the file of the 2nd respondent herein and return the vehicle to the petitioner based on her representation dated 27.01.2023.

For Petitioner : Mr.A.Joseph Jerry

For Respondents : Mr.M.Lingadurai,
Spl. Government Pleader for R1.
Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side) for R2.**ORDER**

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.208 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:-

"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.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 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 responder .1 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.

Sd/-

Assistant Registrar(Admin I)

**(*)Corrected as per the order of this
court dated 27/04/2023 made in WMP(MD)
No.8310/23 in WP(MD)No.2885/2023.**

Sd/-

Assistant Registrar(CO)

// True Copy //

/05/2023

Sub Assistant Registrar(CO)

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To:

**To be substituted to the order which is already despatched on
15/02/2023**

- 1.The Revenue Divisional Officer,
Revenue Divisional Office,
Theni District.
- 2.The District Revenue Officer,Theni District.
- 3.The Inspector of Police,
CSCID Police,
Madurai Range,
Uthamapalayam,Theni District.
- 4 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:-

The Officer Incharge,
Government Leprosy Home, Y.Pudhupatti, Madurai.
+1 CC to Mr.A.JOSEPH JERRY, Advocate SR.No.24666.
+1 CC to Mr.Special Government Pleader, SR.No.25080

**W.P (MD) No.2885 of 2023
14.02.2023**

MK/(15.02.2023) 3P 4C

MK/(19.05.2023) 3P 8C

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