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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.9214 of 2023

M.John Basha

... Petitioner

vs.

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

2.The Inspector of Police,
Civil Supplies CID, Uthamapalayam Police Station,
Uthamapalayam Post, Theni District.
(Crime No.20/2023)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents herein to release petitioner ASHOK LEYLAND (Four wheeler) vehicle bearing registration No.TN-52-J-2126 on the basis of petitioner representation, dated 01.04.2023 within the time stipulated by this Court.

For Petitioner :Mr.M.Karuppasamy Pandian

For Respondents :Mr.J.Ashok

Additional Government Pleader



ORDER

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This Writ Petition has been filed in the nature of a Mandamus seeking a direction against the respondents to release petitioner ASHOK LEYLAND (Four wheeler) vehicle bearing registration No.TN-52-J-2126. The petitioner has given a representation on 27.03.2023.

2.Heard Mr.M.Karuppasamy Pandian, learned Counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader for the respondents.

3.The petition mentioned vehicle was seized in connection with Crime No.20 of 2023 registered on the file of the second respondent. 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, this Court is concerned only with the issue of granting interim custody of the vehicle to the petitioner. No



purpose will be served in keeping the vehicle under the custody of the respondents.

5.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 first 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.15,000/- towards costs to the credit of the District Legal Services Authority, Theni, who in turn, may forward the said amount to the Government General Hospital, Theni, for using the same towards providing treatment for poor patients.

b) The petitioner shall not alienate or encumber the vehicle till the



proceedings are completed.

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c) The petitioner shall produce all the documents pertaining to the ownership of the seized vehicle.

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 any 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.

8. 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.

Index : Yes / No
Internet : Yes
NCC : Yes/No

07.06.2023



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- To
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Uthamapalayam Post, Theni District.



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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.9214 of 2023

07.06.2023