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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.(MD)No.10373 of 2023

Mayilvaganan

... Petitioner

vs.

1.The Superintendent of Police,
Tenkasi District, Tenkasi.

2.The Deputy Superintendent of Police,
Prohibition and Enforcement Wing,
Tenkasi, Tenkasi District.

3.The District Revenue Officer,
Tenkasi, Tenkasi District.

4.The Inspector of Police,
CSCID, Tirunelveli,
(Cr.No.23 of 2023)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to release the petitioner's vehicle Maruthi Super Carry vehicle bearing Registration No.TN-84-D-6807.



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For Petitioner :Mr.S.Muniyandi
For Respondents :Mr.N.Muthu Vijayan
Special Government Pleader

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction against the respondents to release the petitioner's vehicle Maruthi Super Carry vehicle bearing Registration No.TN-84-D-6807.

2.Heard Mr.S.Muniyandi, learned Counsel for the petitioner and Mr.N.Muthu Vijayan, learned Special Government Pleader for the respondents.

3.The petition mentioned vehicle was seized in connection with Crime No.23 of 2023 registered on the file of the fourth respondent. The petition mentioned vehicle is presently in the custody of the fourth 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 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.15,000/- towards costs to the credit of the District Legal Services Authority, Tirunelveli, who in



turn, may forward the said amount to the Government General Hospital, Tirunelveli 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.

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.



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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

06.06.2023

cmr

To

1.The Superintendent of Police,
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2.The Deputy Superintendent of Police,
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Tenkasi, Tenkasi District.

3.The District Revenue Officer,
Tenkasi, Tenkasi District.

4.The Inspector of Police,
CSCID, Tirunelveli.



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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.10373 of 2023

06.06.2023