



W.P.(MD).No.12541 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.05.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.12541 of 2023

Merlin

... Petitioner

Vs.

1.The District Revenue Officer,
Thoothukudi District,
Thoothukudi.

2. The Inspector of Police,
Civil Supplies Crime Investigation Department,
Thoothukudi.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to release the TATA 407 (Closed Type) bearing Registration No.TN-75-AS-7090 seized by the second respondent on 14.05.2023 to the petitioner.

For Petitioner : Mr.T.Lenin Kumar

For R-1 &R-2 : Mr.M.Siddharthan

Additional Government Pleader



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ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. Though the petitioner has sought for release of his vehicle, the learned counsel for the petitioner submitted that in view of the earlier orders passed by this Court in several Writ Petitions, interim custody of the vehicle alone would be considered.

3. This Court, in its order passed in the case of ***Kathiresan Vs. The District Revenue Officer and another*** in ***W.P.(MD).No.11525 of 2023 dated 11.05.2023***, had considered the decision of the Hon'ble Supreme Court in the case of ***Sunderbhai Ambalal Desai and others Vs. State of Gujarat*** reported in ***(2002) 10 SCC 283*** and ordered for interim custody of the vehicle to the petitioner therein on certain conditions.

4. In the instant case, the learned Additional Government Pleader appearing for the respondents, on instructions, submitted that the vehicle belonging to the petitioner was seized for having transported 90 bags of rice and



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that a case in Crime No.45 of 2023 has been registered against him including the offence under the Essential Commodities Act, 1955 and that there are no previous cases against the petitioner.

5. Taking into consideration the earlier orders passed by this Court, this Court is also of the view that the petitioner could be granted interim custody of his vehicle on the following conditions:

a) The petitioner shall pay a sum of Rs.5000/- (Rupees Five Thousand only) towards cost to M.S.Chellamuthu Trust and Research Foundation, K.K. Nagar, Madurai, which shall be a non-refundable amount. The Trust shall utilise the said amount for the benefits of the inmates of M.S.Chellamuthu Trust and Research Foundation, K.K. Nagar, Madurai.

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.



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6. 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. This 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.

There shall be no order as to costs.

25.05.2023

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

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To

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2. The Inspector of Police,
Civil Supplies Crime Investigation Department,
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M.S.RAMESH, J.
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