



1

W.P.(MD)NO.26862 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.26862 of 2023

Sivarampathi

... Petitioner

Vs.

1. The District Revenue Officer,
O/o.the District Collector,
Thoothukudi,
Thoothukudi District.

2. The Inspector of Police,
Civil Supplies C.I.D.,
Thoothukudi,
Thoothukudi District.
(Crime No.62/2023)

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to release the Goods Vehicle, viz., EICHER PRO 2110H HSD BSVI bearing Registration No.TN 92 J 2886 seized by the 2nd respondent herein on 27.06.2023 and return the vehicle to petitioner.

For Petitioner : Mr.C.Suresh Kannan

For R-1 : Mr.M.Prakash,
Additional Government Pleader.

For R-2 : Mr.A.Albert James,
Government Advocate.

* * *



State of Gujarat) has held as follows:-

WEB COPY

“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.7,500/-** (Rupees Seven Thousand and Five Hundred only) towards cost in the bank account of Government Children Home (Government Orphanage), Dr.Thangaraj Colony, K.K.Nagar, Madurai-625020 [Account No: 37487255860, IFSC: SBIN0007922]. It will be a non-refundable payment.*

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.

8. 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. There shall be no order as to costs.

09.11.2023

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



WEB COPY



To:

1. The District Revenue Officer,
O/o.the District Collector,
Thoothukudi,
Thoothukudi District.
2. The Inspector of Police,
Civil Supplies C.I.D.,
Thoothukudi,
Thoothukudi District.



WEB COPY



6

W.P.(MD)NO.26862 OF 2023

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.26862 of 2023

09.11.2023