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W.P.(MD)NO.26881 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.26881 of 2023

Vignesh Perumal

... Petitioner

Vs.

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

2. The Inspector of Police,
Civil Supplies C.I.D.,
Thoothukudi,
Thoothukudi District.
(Crime No.66/2023)

... 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 Bolero PIK UP FB PS 1 3 XL bearing Registration No.TN 92 H 4227 seized by the 2nd respondent herein on 10.07.2023 and return the vehicle to the petitioner.

For Petitioner : Mr.C.Suresh Kannan

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

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

* * *



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ORDER

Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the first respondent and the learned Government Advocate appearing for the second respondent.

2. The petition mentioned vehicle was seized in connection with Crime No.66 of 2023 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 biodiesel.

4. The learned Government Advocate submitted that the petitioner is having one previous case and it does not the case of same nature.

5. 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.



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.

8. 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.

9. 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
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To:

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



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G.R.SWAMINATHAN,J.

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