



W.P(MD)No.30711 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.30711 of 2023

K.A.Muhammad Shaji

... Petitioner

Vs.

1.The District Revenue Officer

**Office of the District Revenue Office,
Theni Collectorate,
Theni Post,
Theni District.**

2.The Inspector of Police

**Civil Supplies CID Uthamapalayam Police Station,
Uthamapalayam Post,
Theni District.**

(Crime No.222/2023)

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to release petitioner Mahindra Camper (four Wheeler) vehicle bearing Registration No.KL-33 B 2402 on the basis of the petitioner's representation, dated 07.12.2023

For Petitioner : Mr.M.Karuppasamypandian

For Respondents: Mr.M.Prakash - for R1

Additional Government Pleader.

Mr.A.Albert James - for R2

Government Advocate.

ORDER

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



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2. The petition mentioned vehicle was seized in connection with Crime No.222 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 PDS rice.

4. 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.

5. No purpose will be served in keeping the vehicle under the custody of the respondents. 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



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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.5,000/-** (Rupees Five Thousand only) towards cost in the bank account of Government Children Home (Government Orphanage), Dr.Thangaraj Colony, K.K.Nagar, Madurai – 625 020 (Account No. 37487255860) IFSC Code – SBIN0007922). It will be a non-refundable payment.*



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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.



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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.

21.12.2023

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

RM



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To:-

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G.R.SWAMINATHAN, J.

RM

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