



W.P(MD)No.9741 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9741 of 2024

Subbaiah Pandian

... Petitioner

Vs.

1.The District Supply Officer,
Collectorate Complex,
Tenkasi District.

2.The Inspector of Police,
Civil Supplies C.I.D,
Tirunelveli Unit,
Madurai.
(In Crime No. 110/2024)

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

... Respondents

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 forthwith to release the petitioner's TOYOTA ETIOS bearing Registration No.TN-79-E-9689 from their custody on the basis of his representation dated 03.04.2024.



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For Petitioner : Mr.C.Susikumar

For Respondents : Mr.G.V.Vairam Santhosh,
Addl. Government Pleader for R1 & R3.
Mr.A.Albert James,
Govt. Advocate (Crl. Side) for R2.

ORDER

Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 and 3 and the learned Government Advocate appearing for the second respondent.

2. The petition mentioned vehicle was seized in connection with Crime No.110 of 2024 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.



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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 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 is directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) in favour of the Superintendent, Government Observation Home, No.164, Kamarajar Salai, Madurai – 625 009, in Bank Account Number : 161401000024282, IFSC Code : IOBA0001614, Indian Overseas Bank, Teppakulam. It will be a non refundable payment.



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b) *The Superintendent of the Observation Home is directed to spend the said amount for the welfare of the institution or that of its inmates or towards the rehabilitation of its former inmates. The Superintendent shall submit a report to the Registrar (Administration), Madurai Bench of the Madras High Court, Madurai indicating the exact deployment of funds. The bills and other relevant materials will be enclosed along with the report. The Chairman, Juvenile Justice Board, Madurai will oversee the process and ensure the end-use.*

c) *The petitioner shall not alienate or encumber the vehicle till the proceedings are completed.*

d) *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.*

e) *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.

22.04.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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G.R.SWAMINATHAN, J.

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