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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13578 of 2024

Mathiyazhagan ... Petitioner

Vs.

1. The District Revenue Officer,
   Theni District,
   Theni.

2. The Inspector of Police,
   Civil Supplies Crime Investigation Department,
   Uthamapalayam,
   Theni District. ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to release the Ashok Leyland Ltd., bearing registration No.TN-19-AM-4595 seized by the second respondent on 29.07.2023 to the petitioner.

For Petitioner : Mr.T.Leninkumar

For R-1 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.

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

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O R D E R

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

2. The petition mentioned vehicle was seized in connection with Crime No.125 of 2023 registered on the file of the second respondent.

3. The petition mentioned vehicle is presently in the custody of the first 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

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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 first 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* ***Saksham*** *(Savings Account No.****50100575869426****, IFSC Code : HDFC0009496, HDFC Bank, Race Course Branch, Coimbatore). It will be a non-refundable payment. This amount shall be utilized for leprosy treatment and rehabilitation activities.*

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

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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.

26.06.2024

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

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   Theni District,
   Theni.

2. The Inspector of Police,
   Civil Supplies Crime Investigation Department,
   Uthamapalayam,
   Theni District.

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G.R.SWAMINATHAN,J.

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