



W.P(MD)No.14860 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14860 of 2024

Rejikumar

... Petitioner

Vs.

1.The District Revenue Officer,
Tenkasi District,
Tenkasi.

2.The Inspector of Police,
Civil Supplies Crime Investigation Department,
Tirunelveli.

... 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 Dost bearing Registration No.TN-75-AU-3718 seized by the second respondent on 21.01.2024 to the petitioner.

For Petitioner : Mr.T.Leninkumar

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R.1

Mr.A.Albert James
Government Advocate (Criminal Side)
for R.2



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ORDER

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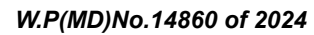
Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the first respondent and the learned Government Advocate (Criminal Side) appearing for the second respondent.

2. The petition mentioned vehicle was seized in connection with Crime No.24 of 2024 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 custody of the respondents. The Hon'ble Supreme Court in the decision



State of Gujarat) has held as follows:-

6. Therefore, the first respondent is directed to grant interim custody of the said vehicle to the petitioner subject to the following conditions:-

c) *The petitioner shall produce all the documents pertaining to the ownership of the seized vehicle. If the*



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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.

05.07.2024

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



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G.R.SWAMINATHAN,J.

MGA

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