



W.P(MD)No.26524 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.26524 of 2024

Lingakumar

... Petitioner

Vs.

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

2.The Inspector of Police,
Civil Supplies C.I.D,
Thoothukudi,
Thoothukudi District.
(Crime No.187 of 2024)

... 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 release the Goods Vehicle viz., TATA LPT 1109 HEX 2/36 TRUCK bearing Registration No. TN-74-AD-4854 seized by the second respondent herein on 19.10.2024 and return the vehicle to petitioner.



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For Petitioner : Mr.C.Suresh Kannan
For Respondents : Mr.S.Kameswaran
Government Advocate for R.1

Mr.K.Gnana Sekaran
Government Advocate (Criminal Side)
for R.2

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, seeking to direct the respondents herein to release the Goods Vehicle viz., TATA LPT 1109 HEX 2/36 TRUCK bearing Registration No.TN-74-AD-4854 seized by the second respondent herein on 19.10.2024 and return the vehicle to petitioner.

2.Heard the learned counsel on either side and carefully perused the entire materials available on record.

3.The case of the petitioner is that vehicle, namely, TATA LPT 1109 HEX 2/36 TRUCK bearing Registration No.TN-74-AD-4854 which was purchased in the year 2013 was seized as early as on 19.10.2024 and



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the same has not been remanded before the jurisdictional Court enabling him to seek the release of vehicle. It is understood that the said vehicle has been seized by the second respondent under the Essential Commodities Act.

4.The learned Government Advocate (Criminal Side) appearing for the second respondent brought to the notice of this Court that the vehicle has been seized in connection with Crime No.187 of 2024 on the file of the second respondent and the same is presently in the custody of the second respondent and the said vehicle is said to have been used for the illegally transport of biodiesel to a tune of 12,000 litres worth about Rs. 11,00,000/-. This Court has already dealt with a similar case in W.P(MD)No.26862 of 2023 (Sivarampathi Vs The District Revenue Officer & Another) vide order dated 09.11.2023 and has permitted interim custody of the vehicle to the petitioner therein. The relevant portion is extracted as follows:

“5. ... 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



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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.7,500/- (Rupees Seven Thousand and Five Hundred only) towards cost in the bank account of Government Children Home (Government Orphanage), Dr.Thangaraj Colony, K.K.Nagar, Madurai-625020 [Account No: 37487255860, IFSC: SBIN0007922]. It will be a non-refundable payment.

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



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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. ”

5. Fully fortified by the mandates of the aforesaid order observing that no purpose will be served in keeping the confiscated vehicle under the custody of the second respondent, this Court hereby direct the respondents to grant interim custody of the vehicle forthwith upon completion of the formalities detailed in W.P(MD)No.26862 of 2023 dated 09.11.2023 after getting an undertaking from the petitioner. If the undertaking given by the petitioner is breached, thereafter the petitioner in future will not be entitled for interim custody of the vehicle. It is open for the respondent authority to initiated appropriate confiscation proceedings and this order will not have bear any confiscation proceedings that may be initiated by the authorities.



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6.This Writ Petition is disposed of accordingly. There shall be no order as to costs.

11.11.2024

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

To

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

2.The Inspector of Police,
Civil Supplies C.I.D,
Thoothukudi,
Thoothukudi District.



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L.VICTORIA GOWRI, J.

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