



W.P.(MD).No.27537 of 2024

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 19.11.2024**

**CORAM**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD).No.27537 of 2024**

Marithangam

... Petitioner

Vs.

1.The District Revenue Officer,  
Office of the District Revenue,  
Virudhunagar District.

2.The Inspector of Police,  
Civil Supplies Crime Investigation  
Department – Madurai,  
Virudhunagar.

3.The Sub Inspector of Police,  
Civil Supplies Crime Investigation  
Department – Madurai,  
Virudhunagar.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to release the petitioner's Mahindra Bolero Pick up vehicle in bearing registration No.TN-69-BQ-8037, from the custody of the respondents police, based on the representation of the petitioner dated 09.11.2024 within a stipulated time that may be fixed by this Court.



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**W.P.(MD).No.27537 of 2024**

For Petitioner : Mr.R.Senthilkumar  
For R-1 : Mr.T.Amjad Khan,  
Government Advocate  
For R-2 & R-3 : Mr.K.Gnanasekaran,  
Government Advocate,  
(Criminal side)

**ORDER**

This writ petition has been filed to direct the respondents to release the petitioner's Mahindra Bolero Pick up vehicle in bearing registration No.TN-69-BQ-8037 from the custody of the respondents police, based on the representation of the petitioner dated 09.11.2024.

2.Heard the learned counsels on either sides and carefully perused the materials available on record.

3.The petition mentioned vehicle Mahindra Bolero Pick up vehicle in bearing registration No.TN-69-BQ-8037 was seized in connection of a crime in FIR No.18 of 2024 dated 09.02.2024 by the 3<sup>rd</sup> respondent police for illegally transporting PDS. The petition mentioned vehicle is presently in the custody of the 1<sup>st</sup> respondent. It



**W.P.(MD).No.27537 of 2024**

is of course open to the respondent authority to initiate confiscation proceedings. In this case, I am concerned only with the issue of grant of interim custody of the vehicle to the petitioner. No purpose will be served in keeping the vehicle under the custody of the police.

4.This Court has dealt with a similar case in ***W.P.(MD)No. 10134 of 2024 dated 25.04.2024*** and has passed a favourable order to the petitioner therein and the relevant portion of the same 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 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.”*



W.P.(MD).No.27537 of 2024

WEB COPY

5. Therefore, the 1<sup>st</sup> respondent is directed to grant interim custody of the said vehicle subject to the following condition:

*(i) The petitioner is directed to pay a sum of Rs. 5,000/- in favour of the Manolaya Home, 4/133/4, Chardp Nagr Atchankulam, Potrayakudi P.O., Kanyakumari District-629 703. It will be a non-refundable payment. The director of the home is directed to spend the said amount for the welfare of the inmates of the home.*

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

*(iii) 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.*

*(iv) 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.”*

6. Upon completion of these formalities, the respondents shall grant interim custody of the vehicle forthwith to the petitioner



**W.P.(MD).No.27537 of 2024**

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.

7.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.

**19.11.2024**

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

To

- 1.The District Revenue Officer,  
Office of the District Revenue,  
Virudhunagar District.
- 2.The Inspector of Police,  
Civil Supplies Crime Investigation  
Department – Madurai,  
Virudhunagar.
- 3.The Sub Inspector of Police,  
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**W.P.(MD).No.27537 of 2024**

**L.VICTORIA GOWRI, J.**

Sml

**W.P.(MD).No.27537 of 2024**

**19.11.2024**