



W.P(MD)No.30274 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD)No.30274 of 2023

Senthilkumar

... Petitioner

-Vs-

1.The District Revenue Officer,
Thoothukudi District,
Thoothukudi.

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

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the first respondent to release the TATA 1212 vehicle bearing Registration No.TN-78-Q-7107 seized by the second respondent on 21.08.2023 to the petitioner.

For Petitioner : Mr.T.Leninkumar

For Respondents : Mrs.K.Christy Thebaral
Addl. Govt. Pleader (for R1)

Ms.M.Aasha
Govt. Advocate (crl.side) (for R2)



W.P(MD)No.30274 of 2023

WEB COPY

ORDER

This writ petition is filed seeking for issuance of a Writ of Mandamus directing the first respondent to release the TATA 1212 vehicle bearing Registration No.TN-78-Q-7107 seized by the second respondent on 21.08.2023 to the petitioner.

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

3. According to the petitioner, the official respondent has seized the vehicle in question on the ground that it was involved in transportation of illegal diesel without any valid permit and the vehicle is still under the police custody. Hence, this Writ Petition is filed.

4. On the other hand, it is submitted by the learned Government Advocate (criminal side) appearing for the second respondent that the vehicle in question was used for illegal transportation of diesel without any valid permit and hence, it was seized.



W.P(MD)No.30274 of 2023

WEB COPY

5. In any event, as the vehicle is under the custody of the official respondent from the date of seizing and considering the fact that if the same is allowed to be kept idle by exposing the same to sun and rain, it would certainly diminish its value. Therefore, this Court is of the view that the vehicle may be released by imposing conditions on the petitioner for release of the same.

6. Accordingly, the concerned respondent is directed to release the vehicle in question to the petitioner subject to the following conditions:

“(i) The petitioner shall produce necessary documents before the concerned respondent to establish the ownership of the vehicle in question;

(ii) The petitioner shall deposit a sum of Rs. 2,00,000/- (Rupees Two Lakhs only), to the credit of Crime No.84 of 2023 before the District Revenue Officer/first respondent herein, as non-refundable deposit on or before 16.02.2024;

(iii) The petitioner shall give an undertaking that he will not use the vehicle for any illegal activities in future and



W.P(MD)No.30274 of 2023

shall produce the same as and when required by the respondents;

(iv) On doing so, the vehicle in question shall be returned to the petitioner;

(v) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned; and

(vi) The petitioner is also directed to participate in the enquiry to be conducted by the respondent.”

However, it is made clear that if the vehicle involves in the crime for the second time, the concerned respondent shall not release the vehicle.

7. With the above directions, this Writ Petition is disposed of. No costs.

11.01.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
skn



W.P(MD)No.30274 of 2023

WEB COPY

To

- 1.The District Revenue Officer,
Thoothukudi District,
Thoothukudi.
- 2.The Inspector of Police,
Civil Supplies Crime Investigation Department,
Thoothukudi.



WEB COPY



W.P(MD)No.30274 of 2023

V.BHAVANI SUBBAROYAN, J.

skn

Writ Petition (MD)No.30274 of 2023

11.01.2024