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W.P No. 12017 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2025

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

WP No. 12017 of 2025

Shanmugam
S/o.V.Kandeeban, No.193a, Road Street, Aviyur,
Viluppuram, Tamilnadu-604 203

..Petitioner

Vs

1. The District Collector
Vellore District.
2. The District Revenue Officer
Vellore District
3. The Inspector Of Police
Civil Supply Cid, Vellore District

..Respondent(s)

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to release the petitioners vehicle namely Toyota Glanza G M T bearing registration No.TN 16 F9657 to the petitioner and consider the representation dated 17.2.2025.

For Petitioner : Mr.B.Vasanth

For Respondents: Mr.R.Murthi, Government Advocate
For R1 And R2

Dr.C.E.Pratap, Government Advocate
For R3

ORDER



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This writ petition has been filed for the issuance of a Writ of Mandamus directing the respondents to release the vehicle belonging to the petitioner by considering the representation dated 17.02.2025.

2. Heard Mr.B.Vasanth learned counsel for the petitioner, Mr.R.Murthi, learned Government Advocate for the respondents 1 and 2 and Dr.C.E.Prathap, learned Government Advocate for the third respondent.

3. The case of the respondents is that the vehicle belonging to the petitioner was used to shield another vehicle in which PDS rice was transported illegally. Therefore, in the course of investigation the vehicle belonging to the petitioner was also seized in order to initiate confiscation proceedings under the Essential Commodities Act.

4. When the writ petition was taken up for hearing today, the learned counsel for the petitioner relied upon the order passed in W.P.No.5123 of 2025 dated 14.02.2025. That was a writ petition filed by the vehicle owner whose vehicle is alleged to have carried the PDS rice. The writ petition was allowed and a direction was issued to release the vehicle within a period of two weeks.



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Pursuant to the above order, the matter was listed under the caption 'For Being Mentioned' based on the representation made by the learned Government Advocate appearing for the respondent police. On hearing both sides, this Court passed the following order:

" The matter is listed today under the caption 'For Being Mentioned'. The Government Advocate (Crl.Side) for the 3rd respondent mentioned that the fact recorded by this Court that no confiscation proceedings have been initiated or proposed to be initiated was turns out to be factually incorrect and that already confiscation proceedings are initiated.

2. In view of the matter, this Court again listed the matter for under the caption 'For Being Mentioned' and gave one more opportunity to the learned Government Advocate (Crl.Side) to produce proof in respect thereof.

3. Today only a status report is filed. From the status report itself it can be seen that the Superintendent of Police sent a request to the appropriate authorities, namely, the District Revenue Officer to initiate confiscation proceedings including the present vehicles. Even after the said request was sent on 23.07.2024, no action whatsoever was taken from the end of the District Revenue Officer. It can be seen that the Deputy Superintendent of Police states that only a show cause notice was issued to the accused persons on 08.01.2025. However, it is stated in paragraph No.9 that only on 26.02.2025, the District Revenue Officer has sent a request to the Regional Transport Officer for verifying the ownership details. On the same day, it is stated that he has sent a letter to the Assistant Engineer Government Automobile Workshop, Vellore.

4. Therefore, it cannot be said that confiscation proceedings have been initiated and not even any notice has been issued to the



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petitioner. Therefore, the finding recorded by this Court in Paragraph No.2 does not require any change. Therefore, the matter shall remain closed and no change is required to the original order that is passed by this Court."

5. It is clear from the above order that the original order that was passed in the writ petition on 14.02.2025 was sustained and no variation / modification was made.

6. Learned Government Advocate appearing on behalf of the first respondents 1 and 2 and Dr.C.E.Pratap, learned Government Advocate (Criminal Side) appearing on behalf of the third respondent submitted that two summons were issued to the petitioner and the petitioner is not responding for any of the summons and is not cooperating for the confiscation proceedings to be taken forward.

7. In the case in hand, this Court is only dealing with the return of vehicle and it goes without saying that it will be subject to the result of the confiscation proceedings. When the main vehicle which carried the PDS rice has already been released by this Court, there is no reason as to why the vehicle belonging to the petitioner which was allegedly used to shield the main vehicle, should continue



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with the custody of the respondents. Therefore, this Court is inclined to direct the respondents to release the vehicle.

8. In the result, there shall be a direction to the second respondent to release the vehicle belonging to the petitioner viz., Toyota Glanza GMT bearing Registration No.TN-16-F9657, within a period of one week from the date of receipt of a copy of this order. It is also made clear that the petitioner will cooperate for the confiscation proceedings initiated by the respondents for confiscation of the vehicle under the Essential Commodities Act. If the petitioner does not cooperate during the confiscation proceedings enquiry, it is left open to the respondents to proceed further in accordance with law. The release of vehicle is subject to the result of the confiscation proceedings.

9. This writ petition is disposed of in the above terms. No costs.

07-07-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
KST

N.ANAND VENKATESH, J.

KST

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Vellore District,
2. The District Revenue Officer



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Vellore District

3. The Inspector Of Police

Civil Supply Cid, Vellore District

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