



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-06-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 13356 of 2025

C.Pannerselvam

Petitioner(s)

Vs

1.The District Revenue Officer
Ariyalur, Ariyalur District.

2.The Inspector of Police
Civil Supplies CID, Ariyalur
Ariyalur District

Respondent(s)

PRAYER

Directing the 1st respondent to release the van bearing registration no. TN 46-AA-4297 seized by the Inspector of Police, Civil Supplies CID, Ariyalur, Ariyalur District on 12.03.2025 to the petitioner.

For Petitioner(s): Mr.C.Prakasam

For Respondent(s): Mr.T.M.Rajangam, GA For R1
Mr.Leonard Arul Joseph Selvam
GA (Crl.Side) For R2



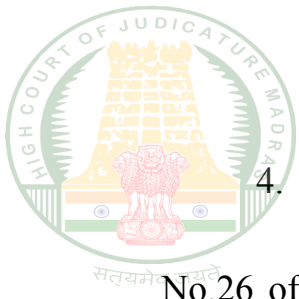
ORDER

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This writ petition has been filed for issue of a Writ of Mandamus, directing the respondents to release the Van bearing Registration No.TN 46 AA 4927, which was seized by the 2nd respondent on 12.03.2025.

2. Heard Mr.C.Prakasam, the learned counsel for the petitioner, Mr.T.M.Rajangam, the learned Government Advocate appearing on behalf of the 1st respondent and Mr.Leonard Arul Joseph Selvam, the learned Government Advocate (Criminal Side) appearing on behalf of the 2nd respondent.

3. The petitioner, who is the owner of the vehicle, had permitted the vehicle to be used by one of the accused persons. The accused person seems to have transported 150 bags of broken rice for poultry feed. The vehicle was intercepted, resulting in seizure of both the vehicle and the materials, which were taken into custody.



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4. A First Information Report (F.I.R) came to be registered in Crime No.26 of 2025 on the file of the 2nd respondent. Simultaneously, confiscation proceedings were initiated and the vehicle was kept in the office of the District Revenue Officer, Ariyalur. It is under these circumstances, the petitioner, who is the owner of the vehicle has approached this Court seeking for release of the vehicle.

5. The learned Government Advocate appearing on behalf of the 1st respondent submitted that the confiscation proceedings have already been initiated and orders will be passed very shortly. Hence, the learned Government Advocate opposed the release of the vehicle in favour of the petitioner on the ground that the vehicle might be misused once again for transporting rice.

6. The latest judgment of the Hon'ble Apex Court in the case of ***Bishwajit Dey vs. State of Assam*** reported in ***(2025) 3 SCC 241***, was brought to the notice of this Court. Even though this judgment dealt with the offense under the provisions of Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985,



the Apex Court went into the general principles and decided under what circumstances a vehicle can be released pending the confiscation proceedings.

7. It was held that there is no absolute bar on releasing the vehicle during confiscation proceedings. The Hon'ble Apex Court outlined the various scenarios where a vehicle can be released and one such scenario is where the owner of the vehicle is not an accused and the vehicle has been misused. The case in hand falls under this category.

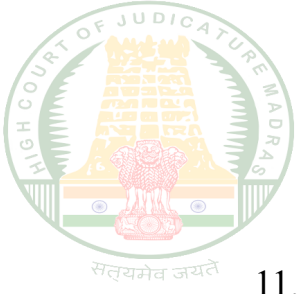
8. Even if the confiscation proceedings are completed and orders are passed, there is an appellate remedy against such an order, and those proceedings will not come to an end in the near future. Therefore, in the interregnum, it must be seen as to whether the vehicle should remain in the custody of the 1st respondent.

9. It is made clear that the release of the vehicle is only a temporary measure and it has absolutely no bearing on the confiscation proceedings that



has already been initiated. The release of vehicle at the best will only enable the petitioner to retain custody of the vehicle. If ultimately, the confiscation proceedings reaches its logical conclusion, the vehicle will be recovered from the petitioner and it will either be put up for auction sale or the petitioner will be asked to pay the penalty if he wants to retain the vehicle.

10. In light of the above discussion, there shall be a direction to the 1st respondent to release the vehicle in favour of the petitioner by imposing necessary conditions and such conditions should not involve any cash deposit. A sworn affidavit shall be taken from the petitioner to the effect that the petitioner will not in any manner alienate the vehicle or permit the vehicle to be used for commission of any further offenses. In case of breach of any of the conditions imposed by the 1st respondent, it is left open to the 1st respondent to seize the vehicle and keep it within the custody of the 1st respondent.



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11. In result, this Writ Petition is allowed in the above terms. No costs.

19-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. The District Revenue Officer
Ariyalur, Ariyalur District.

2. The Inspector Of Police
Civil Supplies CID, Ariyalur,
Ariyalur District.



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N.ANAND VENKATESH J.

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