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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-07-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 28526 of 2025

L.Saraswathy

Petitioner(s)

Vs

1. The District Revenue Officer
Tiruppur, Tiruppur District

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

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to release the Mini Lorry bearing Registration No.TN-63-BE-4723 seized by the 2nd respondent on 09.07.2025 to the petitioner.

For Petitioner(s): Mr.C.Prakasam

For Respondent(s): Mr.R.Murthi

Government Advocate for R1

Mr.V.Meganathan

Government Advocate for R2

**ORDER**

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This writ petition has been filed for issue of writ of mandamus directing the 1st respondent to release the mini lorry belonging to the petitioner which was seized by the 2nd respondent dated 09.07.2025.

2.Heard Mr.C.Prakasam, learned counsel appearing on behalf of the petitioner, Mr..Murthi, learned Government Advocate appearing on behalf of the 1st respondent and Mr.V.Meganathan, learned Government Advocate appearing on behalf of the 2nd respondent.

3.The learned Government Advocate appearing on behalf of the 1st respondent submitted that the confiscation proceedings are pending before the 1st respondent. The same is posted for enquiry tomorrow. The learned Government Advocate appearing on behalf of the 2nd respondent submitted that the accused person was arrested and he is confined in jail and he is yet to be granted bail. The learned Government Advocate further conformed the fact that the petitioner is not an accused in this case.

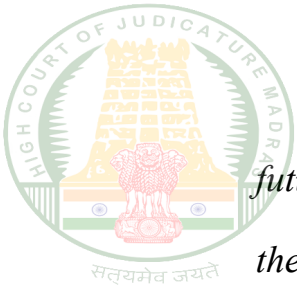


4. The issue involved in the present writ petition is squarely covered by the earlier order passed by this Court in W.P.No.13356 of 2025, dated 19.06.2025. The relevant portions are extracted hereunder:

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

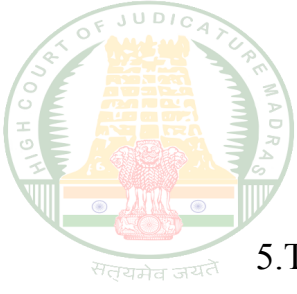


future. Therefore, in the interregnum, it must be seen as to whether the vehicle should remain in the custody of the 1st respondent.

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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 Page No.4 of 7 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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5.This writ petition can be disposed of in terms of the above order. Hence, there shall be a direction to the 1st respondent to release the vehicle in favour of the petitioner by imposing necessary conditions and such condition 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 offense. 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.

6.This writ petition is disposed of in the above terms. No Costs.

30-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

SSR



To
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1.The District Revenue Officer
Tiruppur, Tiruppur District

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



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7/7

WP No. 28526 of 2



N.ANAND VENKATESH J.

SSR

WP No. 28526 of 2025

30-07-2025