



W.P.(MD)No.2847 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.2847 of 2025

A.Surya Prakash

: Petitioner

Vs.

1. The District Revenue Officer,
Office of the District Collector,
Thoothukudi,
Thoothukudi District.

2. The Inspector of Police,
Thoothukudi Police Station,
Thoothukudi District.
(C.S.C.I.D - Madurai)
(Crime No.186/2024)

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing Respondents herein to release the Goods Vehicle, viz., EICHER PRO 3019 M HSD BSVI bearing Registration No.TN 69 BU 6624 seized on 17.10.2024 by the 2nd Respondent herein and return the vehicle to the petitioner.

For Petitioners : Mr.M.Pandian

For Respondents : Mr.C.Venkatesh Kumar



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W.P.(MD)No.2847 of 2025

Spl. Govt. Pleader for R1

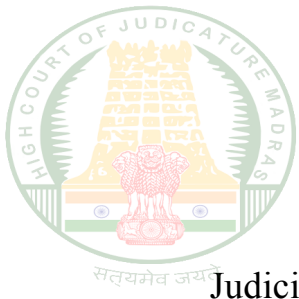
Mr.K.Gnanasekaran

Government Advocate (Crl. Side) for R2

ORDER

The petitioner, with a grievance that his vehicle EICHER PRO 3019 bearing Reg.TN 69 BU 6624, was seized by the second respondent on 17.10.2024 on the ground that his vehicle was used for commission of offences under Sections 2(e)(v), 2(e)(vi), 2(e)(vii) of the Motor Spirit and High Speed Diesel (Regulation of Supply and Distribution and Prevention of Malpractices) Order, 1998 read with 7(1) (a)(ii) of the Essential Commodities Act, 1955, has filed this writ petition for a Mandamus, directing the respondents to release his vehicle.

2. The learned counsel appearing for the petitioner submits that the petitioner's vehicle is being used for transport purpose on rental basis. On 17.10.2024, the second respondent arrested the petitioner's driver and seized the vehicle alleging that the vehicle was involved in transporting 200 litres bio-diesel. The petitioner is an innocent person and he was not added as an accused in the said case. He further submits that the seized vehicle has not been produced before the concerned



W.P.(MD)No.2847 of 2025

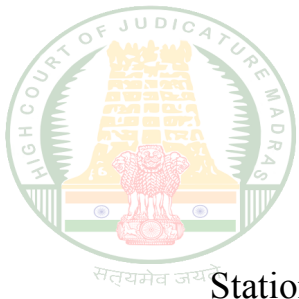
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Judicial Magistrate so far and therefore, the petitioner is not in a position to file an application for return of vehicle. Therefore, the learned counsel seeks for release of the vehicle.

3. The learned Government Advocate (Criminal side), who takes notice for the respondents, submits that the petitioner's vehicle was used for illegal transportation of 67 barrels each contains 200 litres bio-diesel and therefore, the vehicle has been seized by the second respondent Police in Crime No.186 of 2024 for the offences under Sections 2(e)(v), 2(e)(vi), 2(e)(vii) of the Motor Spirit and High Speed Diesel (Regulation of Supply and Distribution and Prevention of Malpractices) Order, 1998 read with 7(1)(a)(ii) of the Essential Commodities Act, 1955.

4. This Court has considered the rival submissions made by the learned on counsel on either side.

5. In **Sunderbhai Ambalal Desai and others vs. State of Gujarat** reported in **(2002) 10 SCC 283**, the Hon'ble Supreme Court has observed that it is of no use to keep such seized vehicles at the Police



W.P.(MD)No.2847 of 2025

WEB COPY

Station for a long period. The claim of the petitioner is that he is the owner of the vehicle and he has not involved in the case in Crime No. 186 of 2024 and the seized vehicle is the only source of income for his family.

6. Considering the fact that the petitioner's vehicle, which was seized on 17.10.2024, is kept idle without any usage and also considering the ratio laid down by the Hon'ble Supreme Court in **Sunderbhai Ambalal Desai and others vs. State of Gujarat** reported in **(2002) 10 SCC 283**, this writ petition is disposed of with the following directions:-

(i) The petitioner shall execute a bond for a sum of Rs. 25,000/- (Rupees Twenty Five thousand only) in favour of the first respondent.

(ii) The petitioner shall file an undertaking affidavit that he would produce the vehicle as and when required by the respondents for enquiry.

(iii) The petitioner shall co-operate for the confiscation proceedings, if any, initiated by the respondents.



W.P.(MD)No.2847 of 2025

WEB COPY

(iv) The petitioner shall not change or alter the condition of the vehicle and shall not alienate or encumber the vehicle till the proceedings are completed.

No costs.

13.03.2025

Index : Yes / No

Internet : Yes / No

PKN

To

1. The District Revenue Officer,
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WEB COPY



W.P.(MD)No.2847 of 2025

VIVEK KUMAR SINGH, J.

PKN

W.P.(MD) No.2847 of 2025

13.03.2025