



*W.P.(MD)No.5069 of 2025*

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 04.03.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH**

**W.P.(MD)No.5069 of 2025**

Pradhap

: Petitioner

Vs.

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

2. The Taluk Supply Officer,  
Office of the Taluk Supply Officer,  
Thoothukudi District,  
Thoothukudi.

3. The Inspector of Police,  
Civil Supplies C.I.D. - Madurai,  
Thoothukudi,  
In Crime No. 224 of 2024.

: Respondents

**PRAYER:** Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to forth with to release the petitioners vehicle bearing registration No. TN-76-AQ-7440-Honda Duo from the custody of the 3rd respondent on the basis of petitioner representation dated 20.01.2025.



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For Petitioner : Mr.V. Malaiyendran

For Respondents : Mr.C.Venkatesh Kumar

Special Government Pleader

for R1 & R2

Mr.K.Gnanasekaran

Government Advocate (Crl.Side) for R3

### **ORDER**

This writ petition has been filed to direct the respondents to release the petitioner's two-wheeler vehicle bearing registration No.TN-76-AQ-7440 from the custody of the respondents police, based on the representation of the petitioner, dated 20.01.2025.

2.Heard the learned counsels on either sides and carefully perused the materials available on record.

3.The petition mentioned two-wheeler vehicle, bearing registration No.TN-76-AQ-7440 was seized in connection of a crime in FIR No.224 of 2024 dated 19.12.2024 by the third respondent police for illegally transporting PDS rice. The petition mentioned vehicle is presently in the custody of the first respondent. It is of course open to the



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respondent authority to initiate confiscation proceedings. In this case, I am concerned only with the issue of grant of interim custody of the vehicle to the petitioner. No purpose will be served in keeping the vehicle under the custody of the police.

4.This Court has dealt with a similar issue in W.P.(MD)No. 10134 of 2024, dated 25.04.2024 and has passed a favourable order to the petitioner therein and the relevant portion of the same is extracted as follows:

*“5.... The Hon'ble Supreme Court in the decision reported in (2002) 10 SCC 283 (Sunderbhai Ambalal Desai and Others V.State of Gujarat) has held as follows:*

*17.In our view, whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles.”*



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5. Therefore, the first respondent is directed to grant interim custody of the said vehicle subject to the following conditions:

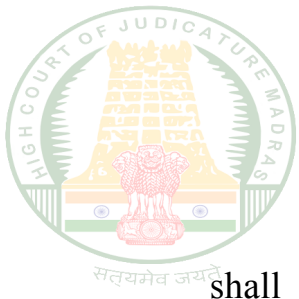
(i) The petitioner is directed to pay a sum of Rs.2,000/- (Rupees Two Thousand only) to the credit of the Madurai Bench of Madras High Court Advocate Clerk's Welfare Association, Madurai-625023 (Account No:- 496039124, IFSC Code:-IDIB000H040).

(ii) The petitioner shall not alienate or encumber the vehicle till the proceedings are completed.

(iii) The petitioner shall produce all the documents pertaining to the ownership of the seized vehicle. If the petitioner is an agreement holder, he can produce the relevant xerox copies.

(iv) As and when the respondents call for the vehicle for enquiry, the petitioner has to produce the vehicle in question and he shall cooperate with the enquiry to be conducted by the respondents.”

6. Upon completion of these formalities, the respondents



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shall grant interim custody of the vehicle forthwith to the petitioner without any delay. If this undertaking given by the petitioner is breached, the petitioner will not be entitled to interim custody of the vehicle in future.

7.The writ petition is allowed accordingly. I make it clear that allowing of this writ petition will not have any bearing on the confiscation proceedings that may be initiated by the authorities. There shall be no order as to costs.

**04.03.2025**

Index : Yes / No

Internet : Yes / No

PKN



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**VIVEK KUMAR SINGH, J.**

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