



W.P.(MD)No.34153 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.11.2025

CORAM:

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.(MD).No.34153 of 2025

Shinubudeen

... Petitioner

Vs.

1. The District Revenue Officer,
Nagercoil District.

2. The Inspector of Police,
Civil Supply CID,
Kuzhithurai Unit,
Nagercoil,
In Crime No. 274 of 2024.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent to release petitioners vehicle namely ASHOK LEYLAND DOST bearing Registration Number KL 07 BV 1838 to the petitioner forthwith and pass such other or further orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice.



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For Petitioner : Mr.R.Jenifar Bibin
For R1 : Mr.D.Sasi Kumar
Additional Government Pleader
For R2 : Mr.S.Dilip Kumar

ORDER

The above writ petition has been filed for the following relief:-

“Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent to release petitioners vehicle namely ASHOK LEYLAND DOST bearing Registration Number KL 07 BV 1838 to the petitioner forthwith and pass such other or further orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice.”

2. Mr.D.Sasi Kumar, learned Additional Government Pleader takes notice on behalf of the 1st respondent. Mr.S.Prakash, learned Government Advocate (Crl.Side) takes notice on behalf of the 2nd respondent.

3. By consent of both parties, the writ petition is taken up for final disposal at the admissions stage itself.



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4. The petitioner is figuring as an accused in Crime No.274 of 2024, registered on the file of second respondent/ Inspector of Police, CSCID, Kuzhithurai Unit, Nagercoil for the alleged offences under Section 7(1)(a)(ii) of Essential Commodities Act, 1955 and 17 of TN Kerosene (Regulation Trade) Order 1973. The petitioner's vehicle has also been seized and the seizure has taken place on 02.12.2024. The confiscation proceedings are yet to be initiated.

4. The Hon-ble Supreme Court of India, in more than one case, has held that detaining vehicles does not serve any purpose and being exposed to rain and sunlight, the vehicles would lose their value. Therefore, I direct the first respondent viz., the District Revenue Officer (DRO) to return the petition mentioned vehicle to the petitioner. Further, the following directions will protect the interest of both parties.

(a) The petitioner shall deposit a sum of Rs.5,000/~ (Rupees Five Thousand only) before the first respondent within a period of two weeks from the date of receipt of a copy of this order.

(b) The petitioner shall appear in person and produce all the relevant documents proving the ownership of the vehicle for verification of the authority.



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(c) On receipt of payment as stated supra and also on being satisfied with the ownership of the vehicle, the first respondent shall release the subject vehicle forthwith.

(d) The petitioner shall not use the said vehicle for any unlawful purpose and also shall not alienate the same during the pendency of the proceedings.

(e) It is open to the first respondent to initiate proceedings in accordance with law and pass appropriate orders on merits, within a period of three months from the date of receipt of a copy of this order.

(f) If no such order is passed within the time stipulated therein, the amount so paid by the petitioner shall be refunded to him.

(g) This order for release of the vehicle can be availed of by the petitioner, if the vehicle is not in the custody of Criminal Court. If the vehicle is in the custody of the Criminal Court, it is open to the petitioner to approach the jurisdictional Magistrate to get release of the vehicle by filing appropriate application and the same can be considered in accordance with law.



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5. This writ petition is allowed with the above directions. No costs

27.11.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm

To

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P.T.ASHA, J.

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