



W.P.(MD).No.31081 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.31081 of 2024

A.Andrews

... Petitioner

Vs.

1. The District Revenue Officer,
Kanyakumari District,
Nagercoil.

2. The Inspector of Police,
CSCID,
Kuzhithurai.
(In Crime No.257 of 2024)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to release the petitioner's vehicle namely TATA Motors / LP 407 Bus bearing Registration NO.KL-19-G-8699 to the petitioner forthwith.



WEB COPY



W.P.(MD).No.31081 of 2024

For Petitioner : Mr.Selvakumaran.T

For R-1 : Mr.T.Amjadkhan
Government Advocate

For R-2 : Mr.K.Gnanasekaran
Government Advocate(Crl. Side)

ORDER

This writ petition has been filed to direct the respondents to release the petitioner's TATA Motors / LP 407 Bus bearing Registration No.KL-19-G-8699 from the custody of the respondents on the basis of the petitioner's representation dated 18.11.2024.

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

3.The petition-mentioned TATA Motors / LP 407 Bus bearing Registration NO.KL-19-G-8699 was seized in connection of a crime in Crime No.257 of 2024 registered by the 2nd respondent police for



W.P.(MD).No.31081 of 2024

illegally transporting 180 liters of white kerosene. The petition mentioned vehicle is presently in the custody of the respondents. It is of course open to the 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 case 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



W.P.(MD).No.31081 of 2024

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.”

5. Therefore, the 1st respondent is directed to grant interim custody of the said vehicle subject to the following condition:

(i) The petitioner is directed to pay a sum of Rs. 5,000/- (Rupees Five Thousand only) in favour of the Aishwaryam Trust, Indian Bank, Tirunagar Branch, Madurai, Account No.6639017788, IFSC Code: IDIB000T032. It will be a non-refundable payment. The Managing Trustee of the Trust is directed to spend the said amount for the welfare of the inmates of the Trust.

(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.



WEB COPY



W.P.(MD).No.31081 of 2024

(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.

(v) Respondents shall file a report under Sec 6(A) of Essential Commodities Act, 1955, to the Jurisdictional Collector within a period of 30 days from the date of receipt of copy of this order.

(vi) Owner of the vehicle may be added as an accused in the FIR, if necessary.”

6. Upon completion of these formalities, the respondents 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



W.P.(MD).No.31081 of 2024

WEB COPY

confiscation proceedings that may be initiated by the authorities. There shall be no order as to costs.

23.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
jbr

To

1. The District Revenue Officer,
Kanyakumari District,
Nagercoil.

2. The Inspector of Police,
CSCID,
Kuzhithurai.



WEB COPY



W.P.(MD).No.31081 of 2024

L.VICTORIA GOWRI, J.

jbr

W.P.(MD).No.31081 of 2024

23.01.2025