



W.P.(MD).No.30541 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.30541 of 2024

Arumuganainar

... Petitioner

Vs.

1. The District Collector / Monitoring Authority,
Office of the Collectorate,
Tirunelveli,
Tirunelveli District.

2. The District Revenue Officer,
District Revenue Office,
Tirunelveli,
Tirunelveli District.

3. The Inspector of Police,
CSCID Police Station,
Tirunelveli District.
(Crime No.337/2024)

... 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 respondents herein to release the petitioner vehicle TATA Ace bearing Registration No.TN 69 AW 2004, based on petitioner's representation dated 09.11.2024 made to the respondents through Registered post with



W.P.(MD).No.30541 of 2024

acknowledgement due within the time limit that may be stipulated by this Court.

For Petitioner : Mr. P.Veerapandi
For R-1 & R-2 : Mr.S.Kameswaran
Government Advocate
For R-3 : Mr.K.Gnanasekaran,
Government Advocate,
(Criminal side)

ORDER

This writ petition has been filed to direct the respondents to release the petitioner's TATA Ace bearing Registration No.TN 69 AW 2004 from the custody of the respondents, based on the representation of the petitioner dated 09.11.2024..

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

3.The petition-mentioned TATA Ace bearing Registration No.TN 69 AW 2004 was seized in connection of a crime in Crime No.337 of



W.P.(MD).No.30541 of 2024

2024 registered by the 3rd respondent police for illegally transporting 650 litres 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.The learned Government Advocate appearing for the third respondent submitted that this is not the first instance in which the petitioner has been involved as there is one previous case pending against him. In view of the same, the petitioner is entitled to pay a sum of Rs.25,000/-.

5.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:



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W.P.(MD).No.30541 of 2024

“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.”

6. 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. 25,000/- (Rupees Twenty Five Thousand only) in favour of the Aishwaryam Trust, Indian Bank, Tirunagar Branch,



W.P.(MD).No.30541 of 2024

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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.

(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.



W.P.(MD).No.30541 of 2024

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

7.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.

8.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.

23.01.2025

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



W.P.(MD).No.30541 of 2024

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W.P.(MD).No.30541 of 2024

L.VICTORIA GOWRI, J.

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W.P.(MD).No.30541 of 2024

23.01.2025