



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 02.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**
W.P. (MD) No.7741 of 2019

K.Arulmozhi

... Petitioner

Vs

1.The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

2.The Assistant Director of Geology and Mining,
Thanjavur District,
Thanjavur.

3.The Inspector of Police,
Ammappattai Police Station,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to return the vehicle bearing No.TN 55 BA 6424 which is being seized and kept in the illegal possession of the 3rd respondent in the alleged proceedings of the 1st respondent.

For Petitioner : Mr.V.Rajiv Rufus
For Respondents : Mr.M.Rajarajan
Government Advocate

ORDER

Heard the learned counsel on either side.

2.The petitioner's vehicle was seized by the first respondent on the ground that it was involved in illegal transportation of river sand. The vehicle is presently in the custody of the third respondent. The learned counsel appearing for the petitioner produced the photographs which indicate that the vehicle did not carry any sand load. It is not in dispute that the petitioner is not having any previous case. The vehicle also was not involved in any previous case in nature. I am therefore of the view that the respondent should release the vehicle and this Court will not be justified in imposing the usual condition with regard to deposit. Therefore, the respondents are directed to release the said vehicle subject to the following conditions:-

a) *The petitioner shall execute an affidavit of undertaking that he shall not involve in any offence in future that may lead to the seizure of the vehicle in question. The petitioner shall not alienate or encumber the vehicle in question till the proceedings are completed.*



b) The petitioner shall produce all the documents pertaining to the ownership of the seized vehicle.

c) This order for release of the vehicle can be pressed into service by the petitioner only if the vehicle is not in the custody of the criminal Court. If the vehicle is in the custody of concerned Criminal Court of appropriate jurisdiction, then, option is given to the petitioner to approach the concerned Judicial Magistrate to get release of the vehicle, by filing necessary application in the manner known to law.

d) 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.

3. Upon completion of these formalities, the respondents shall release the vehicle forthwith without any delay. If this undertaking given by the petitioner is breached, the petitioner will not be entitled to interim release of the vehicle in future.

4. The Writ Petition is allowed accordingly. There shall be no order as to costs.

Sd/-

Assistant Registrar (P AND A)

// True Copy //

Sub Assistant Registrar (CS)

To:

1. The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

2. The Assistant Director of Geology and Mining,
Thanjavur District,
Thanjavur.

3. The Inspector of Police,
Ammapattai Police Station,
Thanjavur District.

+1cc to Mr. V. RAJIV RUFUS, Advocate, SR.No. 58618

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IAS