



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.01.2020

CORAM:

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.1339 of 2020

Chelladurai

... Petitioner

Vs.

- 1) The Revenue Divisional Officer,
Kovilpatti Revenue Divisional,
Kovilpatti,
Thoothukudi District.
- 2) The Tahsildhar,
Kovilpatti Taluk,
Thoothukudi District.
- 3) The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
- 4) The Assistant Director,
Mines and Minerals,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to pass appropriate orders to release the Tractor of the petitioner bearing Reg.No.TN 59 D 3708.

For Petitioner : Mr.M.Prabhu

For Respondents : Mr.Pandiarajan,
Additional Government Pleader

O R D E R

This writ petition has been filed seeking for a direction to the respondents to release the petitioner's vehicle namely Tractor bearing Registration No.TN 59 D 3708, which is in custody of the 3rd respondent herein.

2. According to the petitioner, even though he had plied the aforesaid vehicle with all relevant documents, the third respondent

<https://hcservices.ecourts.gov.in/hcservices/>



has seized the vehicle.

3. On the other hand, it is submitted by the learned Special Government Pleader appearing for the respondents that the vehicle was seized as the same was plied without valid papers for illegal quarrying.

4. In any event, as the vehicle is under the custody of the respondents having been seized on 05.10.2019 and considering the fact that if the same is allowed to be kept idle by exposing the same to sun and rain, it would certainly diminish its value. Therefore, pending proceedings before the respondents, this Court is of the view that the vehicle can be released without fine.

5. Though the date of occurrence of the above said illegal quarrying and seizure of vehicle was on 05.10.2019, there was no action taken by the respondent police. Admittedly, an F.I.R. is filed only today (i.e.) on 23.01.2020 after a delay of three full months.

6. The learned Special Government Pleader appearing on behalf of the respondent police submitted that because of the local body elections, F.I.R. could not be registered immediately. It is also stated that a private complaint was given by the Tahsildhar only on 14.11.2019 and therefore, there was delay in filing the F.I.R.

7. This Court is of the considered view that even if the private complaint is given on 14.11.2019, the delay is inordinate. Therefore, the third respondent is directed to give an explanation for the said delay. Accordingly, the third respondent is also directed to issue direction to release the vehicle in question to the petitioner within a period of seven days from the date of receipt of a copy of this order subject to the following conditions:

"(i) The petitioner shall produce documents before the third respondent under whose custody the vehicle is kept, to establish the ownership of the vehicle in question;

(ii) The petitioner shall give an undertaking that he will not use the vehicle for any illegal activities in future and shall produce the same as and when required by the respondents;

(iii) On doing so, the vehicle in question shall be returned to the petitioner;

(iv) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned; and

(v) The third respondent is directed to



complete the enquiry within a period of two weeks from the date of receipt of a copy of this order.

8. With the above directions, the Writ Petition stands disposed of. No costs. Post after three weeks 'for reporting compliance'.

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Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

- 1) The Revenue Divisional Officer,
Kovilpatti Revenue Divisional,
Kovilpatti,
Thoothukudi District.
- 2) The Tahsildhar,
Kovilpatti Taluk,
Thoothukudi District.
- 3) The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
- 4) The Assistant Director,
Mines and Minerals,
Thoothukudi District.

Order made in
W.P(MD)No.1339 of 2020
Dated: 23.01.2020

JMN(07.02.2020) 3P : 5C