



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2020

CORAM

**THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN**

W.P. (MD) No. 8102 of 2020

WEB COPY

Thiyagarajan

... Petitioner

Vs.

1. The Sub Collector,  
O/o. The Sub Collector,  
Kumbakonam, Thanjavur District.

2. State Represented by  
The Inspector of Police,  
Melattur Police Station,  
Thanjavur District.

3. The Assistant Director,  
Tamil Nadu Mines and Minerals,  
Thanjavur, Thanjavur 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 release the vehicle Viz, TATA BENZE bearing Registration No. TN 22 E 9797 seized by the second respondent herein on the basis of the representation dated 13.03.2020 and return the vehicle to the petitioner.

|                 |                                            |
|-----------------|--------------------------------------------|
| For Petitioner  | : Mr. A. Thiruvadi Kumar                   |
| For Respondents | : Mr. S. Angappan,<br>Government Advocate. |

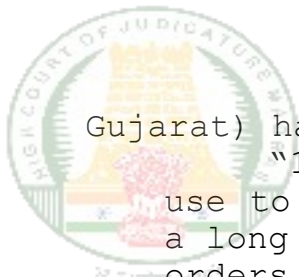
### O R D E R

Heard the learned counsel on either side. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed seeking release of the petition mentioned vehicle. The learned Government Advocate appearing for the respondents states that the petition mentioned vehicle was seized by the second respondent on 29.06.2018. Till date no First Information Report has been registered. The first respondent has also not passed any final orders. In these circumstances, the petitioner's vehicle is remaining in the custody of the respondents.

3. The Hon'ble Supreme Court in the decision reported in (2002) 10 SCC 283 (Sunderbhai Ambalal Desai and Others V. State of Tamil Nadu) has held that the seizure of a vehicle without a valid First Information Report is illegal. The learned Government Advocate appearing for the respondents states that the petition mentioned vehicle was seized by the second respondent on 29.06.2018. Till date no First Information Report has been registered. The first respondent has also not passed any final orders. In these circumstances, the petitioner's vehicle is remaining in the custody of the respondents.

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



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."

4. Normally this Court imposes cost of Rs.50,000/- to be remitted as non refundable payment. In this case, the vehicle itself has been in the custody of the respondent for more than two years. The petitioner would have suffered much loss. I am therefore, not inclined to impose any cost. The petitioner's counsel gives an undertaking that the petitioner will see to it that the vehicle is not involved in any other offences of similar nature. The vehicle will be produced before the authority or the Court concerned as and when required. The learned counsel appearing for the petitioner states that the vehicle will not be alienated till the proceedings are over.

5. The submission of the learned counsel for the petitioner is placed on record. If the undertaking given before this Court is breached, the benefit of this order will stand recalled and the vehicle in question will be taken back to custody and it will be released only after getting orders from this Court on such terms as this Court may deem it fit to impose. The petitioner shall produce all the documents pertaining to the ownership of the seized vehicle.

6. I am of the view that keeping the petition mentioned vehicle in the custody of the respondents is not going to serve any purpose. The second respondent is directed to release the aforesaid vehicle immediately. The Writ Petition is allowed accordingly. There shall be no order as to costs.

Sd/-

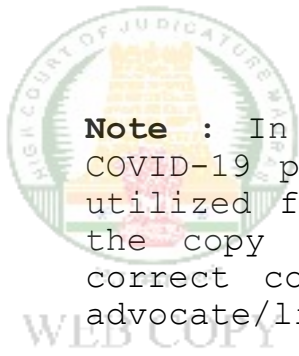
Assistant Registrar (CS-II)

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Sub Assistant Registrar (CS)

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**Note :** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

**To:**

1. The Sub Collector,  
O/o.The Sub Collector,  
Kumbakonam, Thanjavur District.
  - 2.The Inspector of Police,  
Melattur Police Station,  
Thanjavur District.
  - 3.The Assistant Director,  
Tamil Nadu Mines and Minerals,  
Thanjavur, Thanjavur District.
- +1 CC to M/s.GP ( SR-13283[F] dated 28/07/2020 )

W.P.(MD)No.8102 of 2020  
27.07.2020

AP(03/08/2020) 3P 5C