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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.8179 of 2020

Natarajan

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Revenue Divisional Office,
Thanjavur District.
2. The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
3. The Assistant Director,
Tamil Nadu Mines and Minerals,
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 to release the petitioner's Mahindra Bolero Pickup bearing Registration No.TN-49-BK-1558, pertaining to the case in Crime No.463 of 2020 on the file of the second respondent herein and return the vehicle to the petitioner based on his representation dated 17.07.2020.

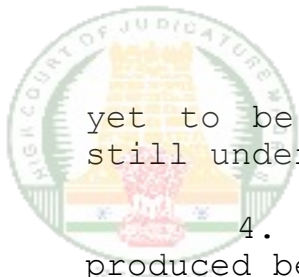
For Petitioner	: Mr.K.M.Karunakaran
For Respondents	: Mrs.S.Srimathy
	Special Government Pleader

O R D E R

Heard the learned counsel on either side.

2. The petitioner seeks release of the petition mentioned vehicle. It was seized in connection with the illegal transportation of sand.

3. The learned Special Government Pleader appearing for the respondents points out that the petitioner is having two previous cases of the same nature. But the vehicle in question is not involved in any previous case. She further states that even though the criminal case has been registered, the vehicle in question is



yet to be produced before the jurisdictional Court. The case is still under investigation.

4. I am of the view that so long as the vehicle has not been produced before the Jurisdictional Court, the Writ Court will always have the power to direct for the release of the vehicle.

5. The petitioner's counsel gives an undertaking that the vehicle will be produced before the authority or the Court concerned as and when required and he states that the vehicle will not be alienated till the proceedings are completed.

6. 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.

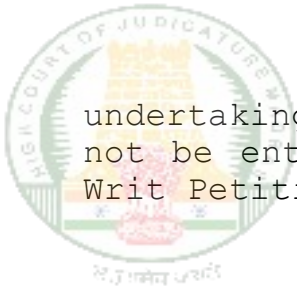
7. I am of the view that keeping the petition mentioned vehicle in the custody of the respondents is not going to serve any purpose. The Hon'ble Supreme Court in the decision reported in (2002) 10 SCC 283 (Sunderbhai Ambalal Desai and Others V. State of Gujarat) has held as follows:-

"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."

8. Therefore, the respondents are directed to release the said vehicle subject to the following conditions:-

- a) The petitioner shall take a Demand Draft for a sum of Rs.40,000/- (Rupees Forty Thousand only) in the name of the District Collector, Thanjavur District. The District Administration will also spend the same immediately on some welfare measure and send the user certificate to the Registry of this Court.
- b) The petitioner shall produce all the documents pertaining to the ownership of the seized vehicle.
- c) 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.

9. 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. The Writ Petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

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 Revenue Divisional Officer,
Revenue Divisional Office,
Thanjavur District.
2. The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
3. The Assistant Director,
Tamil Nadu Mines and Minerals,
Thanjavur District.
4. The District Collector,
Thanjavur District.

Copy to: The Section Officer, Writ Section
Madurai Bench of Madras High Court, Madurai.

W.P. (MD)No.8179 of 2020

29.07.2020

SMA/06/08/2020/3P/6C