



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8221 of 2020

WEB COPY
P.Subramani

... Petitioner

Vs.

1. The District Collector,
Karur District, Karur.
2. The District Revenue Officer,
Karur District, Karur.
3. The Revenue Divisional Officer,
Karur Division, Karur District.
4. The Inspector of Police,
Velayuthampalaym Police Station,
Karur District.
5. The Assistant Engineer,
Mines and Monitoring Circle,
Department of River Protection,
Konalai Depot, Trichy.
- 6.S.Jayaraman,
The Inspector of Police,
Velayuthampalaym Police Station,
Karur District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third and fourth respondents to release the lorry bearing Registration No.TN 49 Q 1857 seized by the fourth respondent on 10.07.2020.

For Petitioner	:	Mr.S.Gokulraj
For Respondents	:	Mr.M.Rajarajan
		Government Advocate

O R D E R

Heard the learned counsel on either side.

2. The petitioner seeks release of the petition mentioned vehicle. Usually, in such cases, this court will direct the petitioner to remit certain sum as a non refundable cost.

3. The petitioner's counsel would submit that in the case on hand, the seizure ought not to have been made. He would further



contend that the petitioner is having permit to transport the sand. This Court, therefore, called upon the respondents to file their counter. The counter has already been filed. I went through the materials on record. It is seen that the petitioner had earlier filed CrI.O.P.(MD).No.7453 of 2020 and obtained anticipatory bail vide order dated 21.07.2020. The learned Judge has specifically observed that the permit is valid upto 11.07.2020 till 06.30 a.m., whereas the vehicle was seized on 10.07.2020 at 10.45 p.m.

4. 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.

5. Therefore, I am inclined to grant relief to the petitioner and the respondents are directed to release the said vehicle subject to the following conditions:-

- a) *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) *As and when the respondents call for the vehicle for enquiry, the petitioner has to produce the vehicle in question and she shall cooperate with the enquiry to be conducted by the respondents.*

6. 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. There shall be no order as to costs.

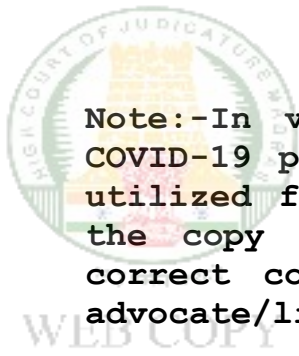
Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



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 District Collector,
Karur District, Karur.
2. The District Revenue Officer,
Karur District, Karur.
3. The Revenue Divisional Officer,
Karur Division, Karur District.
4. The Inspector of Police,
Velayuthampalaym Police Station,
Karur District.
5. The Assistant Engineer,
Mines and Monitoring Circle,
Department of River Protection,
Konalai Depot, Trichy.

W.P. (MD)No.8221 of 2020
03.08.2020

tsg
AP(07/08/2020) 3P 6C