



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2020

CORAM

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

W.P.(MD)Nos.10291, 10294, 10297, 10299 & 10301 of 2020

P.Subbaiya ... Petitioner in W.P.(MD)No.10291 of 2020  
K.Marimuthu ... Petitioner in W.P.(MD)No.10294 of 2020  
K.Ilayaraja ... Petitioner in W.P.(MD)No.10297 of 2020  
Athmanathan ... Petitioner in W.P.(MD)No.10299 of 2020  
Baskaran ... Petitioner in W.P.(MD)No.10301 of 2020

Vs.

1.The Assistant Director of Geology and Mining,  
Pudukottai District,Pudukottai.

2.The Revenue Divisional Officer,  
Aranthangi,  
Pudukottai District.

3.The Inspector of Police,  
Avudaiyarkovil Police Station,  
Pudukottai District. ... Respondents in all Petitions

**Common Prayer:** Writ petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the petitioners Bullock Cart seized by the 3<sup>rd</sup> respondent on 12.04.2020, to the petitioners.

For Petitioners in all petitions : Mr.T.Lenin Kumar

For Respondents in all petitions : Mr.C.Ramar  
Additional Government Pleader

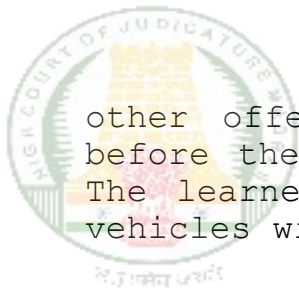
**COMMON O R D E R**

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

2. The petition mentioned vehicles were seized in connection with alleged illegal transportation of sand.

3.The learned Additional Government Pleader states that even though the criminal cases have been registered, the vehicles in question are yet to be produced before the jurisdictional Court. The cases are still under investigation. I am of the view that so long as the vehicles have not been produced before the Jurisdictional Court, the Writ Court will always have the power to direct for the release of the vehicle.

4. The petitioners' counsel gives an undertaking that the petitioners will see to it that the vehicles are not involved in any



other offences of similar nature. The vehicles will be produced before the authority or the Court concerned as and when required. The learned counsel appearing for the petitioners states that the vehicles will not be alienated.

5. The submission of the learned counsel for the petitioners is placed on record. If the undertaking given before this Court is breached, the benefit of this order will stand recalled and the vehicles 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.

6. I am of the view that keeping the petition mentioned vehicles 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.

7. Therefore, the respondents are directed to release the vehicles in question forthwith and without any delay. If the undertaking given by the petitioners is breached, the petitioners will not be entitled to interim release of the vehicles in future. The Writ Petitions are allowed accordingly. There shall be no order as to costs.

Sd/-

Assistant Registrar (Crl Side)

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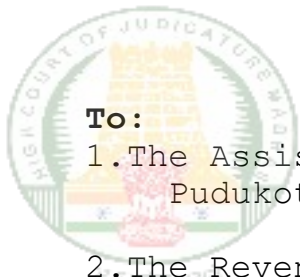
/ /2020

Sub Assistant Registrar(CS)

dss/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 Assistant Director of Geology and Mining,  
Pudukottai District, Pudukottai.
- 2.The Revenue Divisional Officer,  
Aranthangi,  
Pudukottai District.
- 3.The Inspector of Police,  
Avudaiyarkovil Police Station,  
Pudukottai District.

+1 CC to M/s.GP ( SR-15399,15400,15401,15402,15403[F] dated  
31/08/2020 )

**W.P. (MD)No.10291 of 2020 and batch**  
**28.08.2020**

**KK(04.09.2020) 3P 5C**