



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.11496 of 2020

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S.Raja

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.

2. The Assistant Director,
Geology and Mining Department,
Collectorate Building,
Virudhunagar District.

3. The Tahsildar,
Thiruchuli Taluk,
Thiruchuli,
Virudhunagar District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to release the petitioner's vehicle, by branding name "Ashok Leyland Tipper lorry" bearing Registration No.TN 69-Q-6390 seized by the third respondent on 11.08.2019.

For Petitioner : Mr.A.Balaji
For Respondents : Mr.M.Rajarajan,
Additional Government Pleader.

O R D E R

Heard the learned counsel on either side.

2. The petition mentioned vehicle was seized in connection with the alleged illegal transportation of sand.

3. The learned Additional Government Pleader states that no First Information Report has been registered. The vehicle in

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question was seized only by the revenue authority. He also points out that the petitioner is having two previous cases of the same nature.

4. The petitioner gives an undertaking through his counsel that he will not involve himself in any other case in future. Likewise, the vehicle also will not be involved.

5. The said undertaking given by the petitioner is recorded. If this undertaking is breached, the order now passed will stand recalled and the vehicle in question will be taken back to custody.

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 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 said vehicle subject to the following conditions:-

- a) The petitioner is directed to pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) in favour of the Officer-in-Charge, High Court Legal Services Committee, Madurai Bench of Madras High Court, Madurai, S.B.A/c.No.496037387, IFSC : IDIB000H040, Indian Bank, High Court Branch, Madurai. It will be a non refundable payment. The Registrar (Judicial) is directed to spend the amount for appropriate welfare activities such as feeding the disadvantaged communities in Madurai District.
- b) The petitioner shall not alienate or encumber the vehicle in question till the proceedings are completed.
- c) The petitioner shall produce all the documents pertaining to the ownership of the seized vehicle.
- d) 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.

8. 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)

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// True Copy //

/ /2020

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 Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.
2. The Assistant Director,
Geology and Mining Department,
Collectorate Building,
Virudhunagar District.
3. The Tahsildar,
Thiruchuli Taluk,
Thiruchuli,
Virudhunagar District.

Copy To:

- 1.The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.
- 2.The Officer incharge, High Court Legal Services Committee,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.GP (SR-16962[F] dated 15/09/2020)

W.P. (MD) No.11496 of 2020

11.09.2020

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