



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP (MD)No.12633 of 2020

S.Nataraj

... Petitioner

Vs.

1. The District Collector,
Tanjore District.
2. The Assistant Director,
Geology and Mines,
Thanjavur.
3. The Tahsildar,
Peravoorani Taluk,
Tanjore District.
4. The Block Development Officer,
Peravoorani Taluk and Panchayat Union,
Tanjore District.
5. The Inspector of Police,
Peravoorani Police Station,
Tanjore District.
6. The President,
Pinnavasal Village Panchayat,
Peravoorani Taluk,
Tanjore District.

7.Jeyalakshmi

8.A.Natarajan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents No.2 and 5 to release the petitioner's tractor bearing Registration No.TN 49 BU 2970 which was engaged for discharging the lawful duty.



For Petitioner : Mr.R.Balakrishnan
For Respondents : Mrs.S.Srimathy,
Special Government Pleader

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ORDER

Heard the learned counsel on either side.

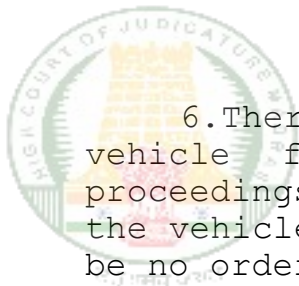
2.The petitioner seeks release of the petition mentioned vehicle. The learned Special Government Pleader appearing for the respondents submits that the petition mentioned vehicle was engaged in illegal transportation of soil. The petitioner counsel states that the vehicle was engaged in Kudimaramath works and only the excess soil was deposited in nearby agricultural lands. He states that the petitioner would withdraw the allegations made against the officials. The submission is recorded.

3.Though technically the petitioner might have committed breach of the terms of Kudimaramath works, I am of the view that the usual condition of imposing cost may not be stipulated in this case. 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.

4.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.

5.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.



6. Therefore, the respondents are directed to release the said vehicle forthwith and without any delay. Of course, confiscation proceedings can go on. I am only directing the interim custody of the vehicle. The Writ Petition is allowed accordingly. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Skm

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,
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6. The President,
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Peravoorani Taluk, Tanjore District.

+1 CC to the SPL GP SR-18791.

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SJ(CO)

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