



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.11701 of 2020

R.Saritha

... Petitioner

Vs.

1.The Revenue Divisional Officer
Kumbakonam Revenue Divisional
Thanjavur District

2.The Assistant Director
Department of Geology and Mines
Thanjavur
Thanjavur District

3.The Inspector of Police
Ayyampettai Police Station
Thanjavur District

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent herein to pass appropriate orders to release the Mahindra JEETO X7-11-BSIV which was the unregistered Goods carrier of the petitioner bearing Engine Number is UDK3B26910 and the Chassis number is MA1KD2UDEK3B52690 which was seized by the third respondent.

For Petitioner : Mr.A.Arun Prasad
For Respondents : Mr.P.Mahendran
Additional Government Pleader.

O R D E R

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

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

3. The learned Additional Government Pleader states that till date no First Information Report has been registered. The enquiry in this regard is still pending.

4. The petitioner's counsel gives an undertaking that the petitioner will see to it that the vehicle is not involved in any other offences of similar nature. 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.

5. 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.

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. Normally, this Court would impose payment of cost. But in this case, the vehicle was in custody for more than one year. The petitioner must have been put to sufficient loss. Therefore, I refrain from imposing cost in this case.

8. The Additional Government Pleader points out that the vehicle is an unregistered one and therefore, it is for the petitioner to establish the ownership over the vehicle. If the respondents are satisfied that the petitioner is the owner of the vehicle, the vehicle will be returned to the petitioner herein.

9. Therefore, 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 he shall cooperate with the enquiry to be conducted by the respondents.*

10. 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.

WEB COPY

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

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
Kumbaknam Revenue Divisional
Thanjavur District
- 2.The Assistant Director
Department of Geology and Mines
Thanjavur
Thanjavur District
- 3.The Inspector of Police
Ayyampettai Police Station
Thanjavur District

+1 CC to M/s.SPL GP (SR-17106[F] dated 16/09/2020)

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SGS (CO)

AP (24/09/2020) 3P 5C