



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2020

CORAM

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.12209 of 2020

Manikandan

... Petitioner

Vs.

1.The Assistant Director,
Geology and Mining,
Madurai District.

2.The Revenue Divisional Officer,
Melur,
Madurai District.

3.The Inspector of Police,
Melavalavu Police Station,
Madurai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the petitioner's agriculture Tractor bearing Registration No.TN 63 T 2388 along with trailer seized in connection with Crime No.824 of 2020 on the file of the 3rd respondent based on the petitioner's representation daed 05.08.2020.

For Petitioner : Mr.G.Sivaraja

For Respondents : Mr.M.Rajarajan
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 even though the criminal case has been registered, the vehicle in question is yet to be produced before the jurisdictional Court. The case is still under investigation. I am of the view that so long as the vehicle has 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 learned Additional Government Pleader informs the Court that the Vehicle in question is involved in previous cases of similar nature. Hence, I intend to dismiss the Writ Petition. But then, the petitioner's counsel states that the petitioner will file an affidavit to the effect that the vehicle in question will never involve in the cases of similar nature in future. If the aforesaid undertaking of the petitioner is breached, this order can be recalled and the vehicle will be taken back to the custody.

5. The petitioner's counsel states that the vehicle will be produced before the authority or the Court concerned as and when required. The learned counsel appearing for the petitioner further states that the vehicle will not be alienated. The submission of the learned counsel for the petitioner is placed on record.

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. The learned counsel for the petitioner submitted that since the petitioner had purchased the vehicle from the previous vendor, the RC Book reflects the name of the previous owner. It is further submitted that the original RC Book is with the financier. Therefore, the respondents are directed to return the vehicle to the petitioner, even though his name is not figuring in the RC Book.

8. 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.25,000/- (Rupees Twenty Five 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) 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.

9. Upon completion of these formalities, the respondents shall release the vehicle forthwith without any delay. The Writ Petition is allowed accordingly. There shall be no order as to costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

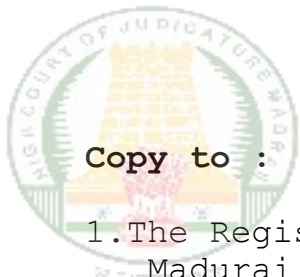
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Note:

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 Assistant Director,
Geology and Mining,
Madurai District.
- 2.The Revenue Divisional Officer,
Melur,
Madurai District.
- 3.The Inspector of Police,
Melavalavu Police Station,
Madurai District.



Copy to :

1.The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.

2.The Officer-In-Charge,
High Court Legal Services Committee,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to SGP (SR-17698[F] dated 22/09/2020)

W.P. (MD) No.12209 of 2020

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NR (01.10.2020) 4P 7C