



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.12495 of 2020

S.Kumar

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Padmanabhapuram at Thuckklai,
Kanyakumari District.

2.The Assistant Director,
Department of Geology and Mines,
Nagercoil, Kanyakumari District.

3.The Inspector of Police,
Eraniel Police Station,
Eraniel,
Kanyakumari 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 Van/Temp bearing registration No.TN 55 4689, on 16.09.2020 by the 3rd respondent and petitioner's representation dated 17.09.2020 within the stipulated period by this Court.

For Petitioner : Mr.H.Velavadhas
For Respondents : Mr.S.Angappan,
Government Advocate.

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 petitioner seeks release of the petition mentioned vehicle.

3. The petitioner was found transporting the contraband in question. The stand of the learned Government Advocate is that the petitioner was found illegally transporting red soil. He also states that the petitioner is having two previous cases under Indian Penal Code.

4. I carefully went through the representation given by the petitioner. The photographs of the vehicle with the load have also



been enclosed in page No.4 of the typed set of papers. It is seen that the petitioner's family temple is being renovated and that the building waste materials were sought to be unloaded. A mere look at the photographs also indicate that they appear to be building waste materials. Therefore, I refrain from imposing any cost on the petitioner. However, I make it clear that the observations made in this order are only for the purpose of giving relief in this writ petition and that they will not have any bearing on the prosecution initiated by the third respondent police. They will independently go on. The petitioner gives an undertaking that he will not take advantage of this order in any other collateral proceedings.

5. 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.*

6. 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 ()

// 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,
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Padmanabhapuram at Thuckklai,
Kanyakumari District.

2.The Assistant Director,
Department of Geology and Mines,
Nagercoil, Kanyakumari District.

3.The Inspector of Police,
Eraniel Police Station,
Eraniel,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-18099[F] dated 25/09/2020)

+1 CC to M/s.H. VELAVADHAS, Advocate (SR-18134[F] dated
25/09/2020)

W.P. (MD) No.12495 of 2020
24.09.2020

SCR(CO)
KB(30.09.2020) 3P 6C