



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.12457 of 2020

WEB COPY

Kumaresan

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Revenue Divisional Office,
Pattukottai,
Thanjavur District.

2. The Tahsildar,
Pattukkottai,
Thanjavur District.

3. The Assistant Director,
Tamilnadu Mines and Minerals,
Thanjavur 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 two Bullock carts seized by the second respondent herein and return the vehicle to the petitioner based on his representation dated 15.09.2020.

For Petitioner	: Mr.K.M.Karunakaran
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 petition mentioned vehicles were seized in connection with the alleged illegal transportation of sand.

3. The learned Government Advocate informs this Court that no First Information Report has been filed in this case. The revenue authority has seized the two Bullock carts.

4. The petitioner's counsel gives an undertaking that the petitioner will see to it that the vehicles are not involved in any other offences of similar nature. The vehicles will be produced before the authority or the Court concerned as and when required. The learned counsel appearing for the petitioner states that the vehicles 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 vehicles 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 vehicles 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 vehicles subject to the following condition:-

The petitioner is directed to pay a sum of Rs.2,000/- (Rupees Two Thousand only) in favour of Sri Jayam Trust, A/c.No.005109000074101, IFSC : CIUB0000005, City Union Bank, Mayiladuthurai Branch. It will be a non refundable payment.

8. Upon completion of this formality, the respondents shall release the vehicles forthwith without any delay. If this undertaking given by the petitioner is breached, the petitioner will not be entitled to interim release of the vehicles in future. The Writ Petition is allowed accordingly. There shall be no order as to costs.

Sd/-

Assistant Registrar ()

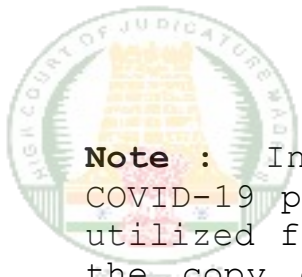
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/ /2020

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



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,
Revenue Divisional Office,
Pattukottai,
Thanjavur District.
2. The Tahsildar,
Pattukkottai,
Thanjavur District.
3. The Assistant Director,
Tamilnadu Mines and Minerals,
Thanjavur District.

Copy To :

Sri Jayam Goshala,
Vanathirajapuram,
Mayiladuthurai,
Nagapattinam District.

+1 CC to SGP (SR-17993[F] dated 24/09/2020)

W.P. (MD)No.12457 of 2020
23.09.2020

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