



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.12956 of 2020

WEB COPY

Bheemaa Tractor Finance,
Rep. by its Managing Director,
D.Ganesan.

... Petitioner

Vs.

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

2.The Revenue Divisional Officer,
O/o.the Collectorate Campus,
Madurai, Madurai District.

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

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the petitioner's vehicle namely Tractor bearing Registration No.TN 63 J 3981 and Trailer bearing Registration No.TN 60 M 2469 seized on 06.08.2020 by the 3rd respondent herein pertaining to the case in Crime No.1254 of 2020 within the period that may be stipulated by this Court.

For Petitioner : Mr.V.Karthikraja
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 vehicle was seized on 06.08.2020 by the third respondent since the vehicle was allegedly involved in Crime No.1254 of 2020. The vehicle was said to have been seized from one Arunpandi. The said Arunpandi is said to be the petitioner's customer. He had availed finance from the writ petitioner. The vehicle had been hypothecated in favour of writ petitioner. The agreement between the said Arunpandi and the writ petitioner enables the writ petitioner to take possession of the vehicle in the event of breach of the contractual terms. It appears that in the instant case the said Arunpandi had committed



breach. Therefore, the petitioner moved this Court for getting back the vehicle.

3. Though the petitioner has good case for return of the vehicle, I am not in a position to pass any order in favour of the writ petitioner because the said Arunpandi is not before me. Therefore, I have to relegate the petitioner to move the jurisdictional Criminal Court. The vehicle is presently in the custody of the respondents. The respondents are directed to produce the vehicle before the jurisdictional Criminal Court immediately and without any delay. Thereafter, the petitioner can file a petition for return of the vehicle before the Court below and in the said petition the petitioner will make Arunpandi also as one of the respondents. The Court below has to hear the petitioner and the said Arunpandi and pass order regarding interim custody of the vehicle. The petitioner's counsel states that such an application will be filed by the petitioner within a period of ten days from the date of receipt of a copy of the order. The Court below shall ensure that notice is served on Arunpandi without any delay and dispose the case as early as possible.

4. With these observations and directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// 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 Department,
Madurai, Madurai District.



2.The Revenue Divisional Officer,
O/o.the Collectorate Campus,
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3.The Inspector of Police,
Kadupatty Police Station,
Kadupatty, Madurai District.

+1 CC to SGP (SR-18512[F] dated 30/09/2020)

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SS(CO)
KM (09.10.2020) 3P 5C