



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2020

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.(MD)No.13366 of 2020

M.Gunasekaran

: Petitioner

Vs.

1.The Revenue Divisional Officer,
Uthamapalayam, Theni District.

2.The Assistant Director,
Uthamapalayam, Theni District.

3.The Tahsildar,
Uthamapalayam, Theni District.

4.The Inspector of Police,
Gudalur South Police Station, Theni District. : Respondents

RAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents to release the petitioner's Tractor and Trailor bearing Registration No.TN-72-T4232 and TN-60-F-4794 seized by the 4th respondent and hand over the same to the petitioner by considering the petitioner's representation, dated 23.09.2020.

For Petitioner
For Respondents

:Mrs.A.Arul Jenifer
:Mr.C.Ramesh
Special Government Pleader

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to consider the representation of the petitioner, dated 23.09.2020, seeking for release of the Tractor and Trailor bearing Registration No.TN-72-T-4232 and TN-60-F-4794, seized by the 4th respondent on 14.08.2020.

2.Heard Mrs.A.Arul Jenifer, learned Counsel appearing for the petitioner and Mr.C.Ramar, learned Special Government Pleader appearing for the respondents.

3.It is the case of the petitioner that he was using the aforesaid vehicles only for his agricultural purposes and he has not committed any crime. According to the petitioner, the 4th respondent unlawfully seized his vehicles on 03.07.2018, as if it was being used for taking river sand. It is the further case of the petitioner that he filed Writ Petition in



W.P. (MD)No.18661 of 2018 seeking for release of his seized vehicles. According to the petitioner, this Court disposed of the Writ Petition in W.P. (MD)No.18661 of 2018 on 01.07.2019 by ordering release of the vehicles on condition that the petitioner deposits a sum of Rs.25,000/- with the 2nd respondent. According to the petitioner, he could not comply with the said directions issued by this Court in W.P. (MD)No.18661 of 2018, as he could not mobilise a sum of Rs.25,000/- within the time prescribed by this Court in its order, dated 01.07.2019 passed in W.P. (MD)No.18661 of 2018.

4. According to the petitioner, now he has mobilised the said sum of Rs.25,000/- and he is in a position to deposit the said sum for the purpose of obtaining the release of seized vehicles. The petitioner has also given a representation, dated 23.09.2020 seeking for release of the vehicles on deposit of Rs.25,000/-, as directed by this Court in W.P. (MD)No.18661 of 2018, on 01.07.2019. According to the petitioner, despite the representation, dated 23.09.2020, the respondents have not till date released the vehicles. In such circumstances, this Writ Petition has been filed.

5. The vehicles were seized by the 4th respondent police from the petitioner on 03.07.2018 on the alleged ground that he was transporting sand illegally through the said vehicles. The petitioner has also averred in his affidavit filed in support of this Writ Petition that there is no previous criminal case against him or as against the seized vehicles. If not put to regular use, the seized vehicles are kept in open and due to hot sun, rain and vagaries of nature and in all likelihood over a period of time, they will become a wreck and have no use to anyone. The purpose of seizing the vehicles will be lost, if that is allowed to happen. In the interest of justice and in the interest of both parties, this Court deems it fit that as an interim measure, the seized vehicles will have to be returned to the petitioner by the respondents subject to the fulfilment of certain conditions imposed by this Court in this order.

6. For the foregoing reasons, this Court directs the respondents to release the petitioner's Tractor and Tractor bearing Registration No. TN-72-T4232 and TN-60-F-4794 within a period of one week from the date, the petitioner satisfies the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) for each vehicle in favour of the first respondent within a period two weeks from the date of receipt of a copy of this order.

(ii) the petitioner shall not alienate or encumber the vehicles in question till the proceedings are completed.

(iii) the petitioner shall not change the colour and scheme of the vehicles.

(iv) the petitioner shall not use the vehicles for any illegal activities.



(v) The petitioner shall produce all copies of the documents pertaining to the ownership of the seized vehicles to the first respondent.

(vi) before releasing the vehicles, the police authority shall take photographs of the vehicles at the cost of the petitioner.

(vii) As and when the respondents call for the vehicles for enquiry, the petitioner has to produce the vehicles in question and he shall cooperate with the enquiry to be conducted by the respondents.

7. If the undertaking given by the petitioner is breached, the petitioner will not be entitled to interim release of the vehicles in future.

8. With the aforesaid directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

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Sub Assistant Registrar (CS)

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To

1. The Revenue Divisional Officer,
Uthamapalayam, Theni District.

2. The Assistant Director,
Uthamapalayam, Theni District.

3. The Tahsildar,
Uthamapalayam, Theni District.

4. The Inspector of Police,
Gudalur South Police Station, Theni District.

+1 CC to M/s.SPL GP (SR-19338[F] dated 07/10/2020)

W.P. (MD) No.13366 of 2020
06.10.2020

SCR (CO)
KB(13.10.2020) 3P 6C