



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.13907 of 2020

Ramachandran

... Petitioner

Vs

1.The District Collector,
Collectorate, Trichy,
Trichy District.

2.The Assistant Director,
Mines and Minerals Department,
Trichy, Trichy District.

3.The Inspector of Police,
Manapparai Police Station,
Trichy District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to release the petitioner's vehicle Ashok Leyland Tipper Lorry bearing Registration No.TN 48 U 3880 and JCB bearing Registration No.TN 45 BT 2176.

For Petitioner : Mr.R.Pon Karthikeyan

For Respondents : Mr.C.Ramesh
Special Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to release the petitioner's vehicles, namely, Ashok Leyland Tipper Lorry bearing Registration No.TN 48 U 3880 and JCB bearing Registration No.TN 45 BT 2176.

2. Heard Mr.R.Pon Karthikeyan, learned counsel appearing for the petitioner and Mr.C.Ramesh, learned Special Government Pleader, appearing for the respondents.

3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

4. It is the case of the petitioner that he is using the above mentioned vehicles for agricultural activities. According to him, the third respondent registered a case in Crime No.1303 of 2020, against three named accused persons, alleging that they



transported 1/4th unit of sand through bullock-carts. According to the petitioner, the said First Information Report was registered as early as on 27.05.2020 against three named persons for the offence punishable under Section 379 of I.P.C., read with Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

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5. It is the case of the petitioner that when the petitioner apprehended arrest at the hands of the third respondent Police, he filed anticipatory bail application before this Court in CrI.O.P.(MD).No.6002 of 2020 (Crime No.not known). According to the petitioner, during the hearing of the above application, it was represented on the side of the respondent therein that the petitioner has not been arrayed as an accused in that case. Recording the same, this Court by its order dated 12.06.2020, disposed of the anticipatory bail application filed by the petitioner herein, by observing that if any First Information Report is registered against him, the respondent Police should duly inform the same to the petitioner.

6. According to the petitioner, all of a sudden, on 25.09.2020, the third respondent herein arrested the petitioner and registered a case in Crime No.1303 of 2020. According to the petitioner, based on the confession of the first accused, namely, Rajkumar, he has been falsely implicated in the case. According to the petitioner, only after four months from the date of the First Information Report, he has been arrested and his vehicles, namely, Ashok Leyland Tipper Lorry bearing Registration No.TN 48 U 3880 and JCB bearing Registration No.TN 45 BT 2176, were seized by the third respondent Police on the basis of the alleged confession of the co-accused.

7. It is the contention of the petitioner that he is no-way connected with the transportation of 1/4th unit of sand through bullock-carts, for which, the First Information Report has been registered against three named persons. According to him, only for statistical purposes, the third respondent has implicated him in the said case. According to him, the third respondent has unlawfully seized the vehicles, belonging to the petitioner.

8. According to him, the said vehicles are now kept in the open place and exposed to hot sun and rain. If it is continued to be kept idle, the vehicles will lose its value and ultimately, it will become a wreck and it is not useful to anyone. In such circumstances, this Writ Petition has been filed for Mandamus seeking for release of the afore mentioned vehicles to the petitioner.

9. Admittedly, the vehicles belonging to the petitioner are now kept in the open place and are exposed to hot sun and rain and to the vagaries of the nature. If they are allowed to be kept in



wreck. In similar matters, this Court has released the seized vehicles to the respective petitioners, subject to fulfillment of certain conditions. Therefore, this Court is inclined to grant similar relief to the petitioner.

10. Accordingly, this Court directs the respondents to release the petitioner's vehicles, namely, Ashok Leyland Tipper Lorry bearing Registration No.TN 48 U 3880 and JCB bearing Registration No.TN 45 BT 2176 subject to the fulfillment of the following conditions:-

(i)the petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only) for each vehicle** in favour of the first respondent within a period of 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)before releasing the vehicles, the police authority shall take photographs of the vehicles at the cost of the petitioner.

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

(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.

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

12. The Writ Petition is disposed of accordingly. There shall be no order as to costs.

Sd/-

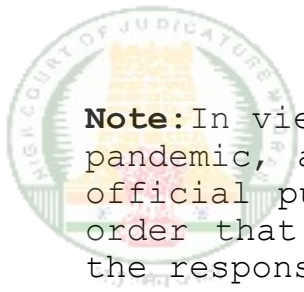
Assistant Registrar (CS-I)

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Sub Assistant Registrar(CS)

tsg



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.

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To

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Collectorate, Trichy,
Trichy District.
2. The Assistant Director,
Mines and Minerals Department,
Trichy, Trichy District.
3. The Inspector of Police,
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+1 CC to the SPL GP (SR-19438[F] dated 08/10/2020)

W.P. (MD) No.13907 of 2020
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PM(CO)
CS(15.10.2020) 4P 5C