



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.10.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.14205 of 2020

Jayabalan

... Petitioner

Vs

1. The Revenue Divisional Officer,
Karur, Karur District.
2. The Tahsildar, Manmangalam Taluk,
Karur District.
3. The Revenue Inspector,
Manmangalam Taluk, Karur District.
4. The Assistant Director,
Department of Geology and Mines,
Karur, Karur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first and second respondents herein to release Taurus Lorry bearing registration No.TN 28 AH 3981, forthwith.

For Petitioner : Mr.K.Rajeshwaran

For Respondents : Mr.C.Ramar

Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first and second respondents herein to release Taurus Lorry bearing registration No.TN 28 AH 3981,

2. Mr.C.Ramar, learned Additional Government Pleader, takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. It is the case of the petitioner that he is the owner of the Taurus lorry bearing registration No.TN 28 AH 3981. According to him, on 25.05.2019, the third respondent had intercepted his vehicle, when the petitioner was returning near Manmangalam. According to him, the third respondent without initiating any proceedings, seized the vehicle on 25.05.2019 and handed over the same to the second respondent on the same day, alleging that the petitioner has transported four units of river sand in his vehicle



without proper invoices. According to the petitioner, ever since the seizure, the said vehicle is still in the custody of the second respondent.

4. It is also the contention of the petitioner that till date, no First Information Report has not been registered and the seized vehicle is yet to be produced before the concerned Jurisdictional Court. According to him, the seized vehicle is now kept idle in the office of the second respondent in the open place and exposed to the vagaries of nature, resulting in the vehicle depreciating in value. In such circumstances, he has filed this Writ Petition seeking for release of the seized vehicle.

5. Admittedly, the vehicle was seized by the third respondent on 25.05.2019 and handed over the same to the second respondent on the same day, alleging that the petitioner has transported four units of river sand in his vehicle without proper invoices. Admittedly, the vehicle is now in the office of the second respondent and kept in the open place and exposed to the vagaries of nature and the vehicle has also not been produced before the concerned Jurisdictional Court.

6. As rightly contended by the learned counsel appearing for the petitioner, the vehicle will certainly depreciate in value, if it is allowed to remain in the open place and kept idle for a long period of time. No useful purpose will be served if the vehicle is allowed to be kept idle. In similar matters, this Court has granted release of seized vehicles to the respective petitioners subject to fulfillment of certain conditions. Therefore, this Court is inclined to grant similar relief to the petitioner subject to fulfillment of the following conditions:-

*(i)the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** in favour of the second 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 vehicle in question till the proceedings are completed.

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

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

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

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

(vii)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.

7. Upon completion of the above mentioned formalities, the respondents shall release the Taurus Lorry bearing registration No.TN 28 AH 3981, to the petitioner forthwith and without any delay. If this undertaking given by the petitioner is breached, the petitioner will not be entitled for interim release of the vehicle in the future.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

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.

To

1. The Revenue Divisional Officer,
Karur, Karur District.
2. The Tahsildar, Manmangalam Taluk,
Karur District.
3. The Revenue Inspector,
Manmangalam Taluk, Karur District.
4. The Assistant Director,
Department of Geology and Mines,
Karur, Karur District.

+1 CC to the SPL GP (SR-20038[F] dated 14/10/2020)

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CS(20.10.2020) 3P 6C