



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2020

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.(MD)No.14285 of 2020

Xavier

: Petitioner

Vs.

1.The Revenue Divisional Officer,
Dindigul District, Dindigul.

2.The Assistant Director,
Geology and Mining,
Collectorate, Dindigul District.

3.The Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.
(in Crime No.870 of 2020)

: Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents to release the petitioner's vehicle of Tractor and Trailor bearing registration Number TN-46-0921 with Nill Number Trailor from the custody of the 3rd respondent in respect of Crime No.870 of 2020, dated 29.09.2020 to the petitioner by considering the petitioner's representation, dated 01.10.2020 within the time limit that may be stipulated by this Court.

For Petitioner

:Mr.S.Sivaprakash

For Respondents

:Mr.C.Ramesh

Special Government Pleader

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to direct the respondents to release the Tractor and Trailor of the petitioner bearing registration Number TN-46-0921 with Nill Number Trailor.

2.By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself. Mr.C.Ramesh, learned Special Government Pleader accepts notice on behalf of the respondents.

3.It is the case of the petitioner that he is the owner of the Tractor and Trailor bearing registration Number TN-46-0921 with Nill Number Trailor. According to him, on 29.09.2020, the third respondent has registered a case against the petitioner in Crime No.870 of 2020 for the offence punishable under Section 379 of IPC



r/w Section 21(1) of Mines and Minerals (Development and Regulation Act), 1957 alleging that the petitioner has transported gravel 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 Police.

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4.It is also the contention of the petitioner that the vehicle has also not been produced by the third respondent Police before the concerned Jurisdictional Court. According to him, the seized vehicle is kept idle in the Police Station premises in the open place and exposed to the vagaries of nature, resulting in the vehicle depreciating in value.

5.According to the petitioner, he gave a representation to the respondents on 01.10.2020 for releasing of the seized vehicle back to him. According to him, the respondents have failed to respond to the said representation. In such circumstances, he has filed this Writ Petition seeking for release of the seized vehicle.

6.Admittedly, the vehicle was seized by the third respondent on 29.09.2020 and a case has been registered in Crime No.870 of 2020 for the offence punishable under Section 379 of IPC r/w 21(1) of Mines and Minerals (Development and Regulation Act), 1957 alleging that the petitioner has transported gravel sand in his vehicle without proper invoices. Admittedly, the vehicle is now in the Police Station premises and kept in the open place and exposed to the vagaries of nature and has also not been produced before the Jurisdictional Court.

7.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.50,000/- (Rupees Fifty Thousand only)** 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 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 third 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.

8. Upon completion of the above mentioned formalities, the respondents shall release the Tractor and Trailor bearing registration Number TN-46-0921 with Nil Number Trailor 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.

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

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)

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To

1. The Revenue Divisional Officer,
Dindigul District, Dindigul.

2. The Assistant Director,
Geology and Mining,
Collectorate, Dindigul District.

3. The Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.

+1 CC to M/s.GP (SR-20042[F] dated 14/10/2020)

Order made in
W.P. (MD) No.14285 of 2020
13.10.2020

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SRK (CO)