



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.10.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.14469 of 2020

WEB COPY
Sivagnanam

... Petitioner

Vs

1.The Assistant Director,
Geology and Mines Department,
Pudukottai District.

2.The Sub - Collector Cum Revenue Divisional Officer,
Iluppur Revenue Divisional Office,
Pudukottai District.

3.The Inspector of Police,
Viralimalai Police Station,
Pudukottai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to release the petitioner's vehicle of JCB, bearing registration No.TN 55 AS 9652 from the custody of the 3rd respondent's police and to hand over the above vehicle to the petitioner, by considering petitioner's representation, dated 09.10.2020 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.C.Susi Kumar

For Respondents : Mr.M.Rajarajan
Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to release the JCB, bearing registration No.TN 55 AS 9652.

2. 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 JCB, bearing registration No.TN 55 AS 9652. According to him, on 24.09.2020, the third respondent has registered a case against the petitioner in Crime No.455 of 2020 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 alleging that the petitioner has transported river sand in his vehicle without proper invoices. The petitioner's vehicle was seized by the third



respondent Police on the same day. According to the petitioner, ever since the seizure, the said vehicle is still in the custody of the Police.

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 now 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 third respondent on 09.10.2020 for releasing of the seized vehicle back to him. According to him, the third respondent has 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 24.09.2020 and a case has been registered in Crime No.455 of 2020 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 alleging that the petitioner has transported river 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.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 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 JCB, bearing registration No.TN 55 AS 9652 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)

// True Copy //

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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 Mines Department,
Pudukottai District.

2.The Sub - Collector Cum Revenue Divisional Officer,
Iluppur Revenue Divisional Office,
Pudukottai District.

3.The Inspector of Police,
Viralimalai Police Station,
Pudukottai District.

+1 CC to M/s.GP (SR-20456[F] dated 16/10/2020)

W.P. (MD)No.14469 of 2020

15.10.2020

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