



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.10.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.14568 of 2020

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T.Muthaiya

... Petitioner

Vs

1.The Assistant Director,
Mines and Minerals, Madurai District.

2.The Revenue Divisional Officer,
Madurai, Madurai District.

3.The Inspector of Police,
Nagamalaipudhukottai Police Station,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to release the petitioner's vehicles namely, JCB and Tipper Lorry bearing its Registration numbers i.e., TN 21 AX 3672 and TN 47 Q 2125 respectively forthwith.

For Petitioner : Ms.G.Dhanalakshmi

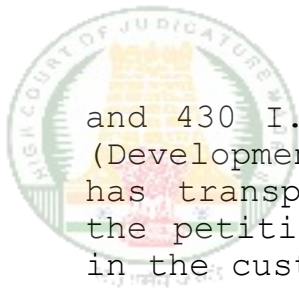
For Respondents : Mrs.V.P.M.Vaishnavi
Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to release the petitioner's vehicles namely, JCB and Tipper Lorry bearing its Registration numbers i.e., TN 21 AX 3672 and TN 47 Q 2125 respectively forthwith.

2. Heard Ms.G.Dhanalakshmi, learned counsel appearing for the petitioner and Ms.V.P.M.Vaishnavi, learned Government Advocate, accepts notice on behalf of 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 vehicles, namely, JCB and Tipper Lorry bearing its Registration numbers i.e., TN 21 AX 3672 and TN 47 Q 2125 respectively. According to the petitioner, on 24.06.2020, the third respondent seized the vehicles and registered a case against the petitioner in Crime No.1438 of 2020 for the offence punishable under Sections 379



and 430 I.P.C., read with Section 21(5) of the Mines and Minerals (Development and Regulation) Act, 1957, alleging that the petitioner has transported gravel sand without proper invoices. According to the petitioner, ever since the seizure, the said vehicles is still in the custody of the Police.

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

5. According to the petitioner, he gave a representation to the second respondent on 26.09.2020 for releasing of the seized vehicles back to him. According to him, the second respondent failed to respond to the said representation. In such circumstances, he has filed this Writ Petition seeking for release of the seized vehicles.

6. Admittedly, the vehicles was seized by the third respondent on 24.06.2020 and a case has been registered by the third respondent Police against the petitioner in Crime No.1438 of 2020 for the offence punishable under Sections 379 and 430 of I.P.C., read with Section 21(5) of Mines and Minerals (Development and Regulation), Act, 1957, alleging that the petitioner has transported gravel sand in his vehicles without proper invoices. Admittedly, the vehicles are now in the Police Station premises and kept in the open place and exposed to the vagaries of nature and the vehicles have also not been produced before the Jurisdictional Court.

7. As rightly contended by the learned counsel appearing for the petitioner, the vehicles 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 vehicles are 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 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 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 second 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.

8. Upon completion of the above mentioned formalities, the respondents shall release the vehicles namely, JCB and Tipper Lorry bearing Registration numbers i.e., TN 21 AX 3672 and TN 47 Q 2125 respectively, 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 vehicles in the future.

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

Sd/-

Assistant Registrar

// 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 Assistant Director,
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2. The Revenue Divisional Officer,
Madurai, Madurai District.



3.The Inspector of Police,
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SSS (CO)

NR (28/10/2020) 4P : 4C