



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2020

CORAM:

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD) No.15038 of 2020

Vinothkumar

... Petitioner

-VS-

1. The Revenue Divisional Officer,
Srirangam,
Trichy District.
2. The Assistant Director,
Mines and Minerals Department,
Trichy District.
3. The Inspector of Police,
Kollidam Police Station,
Trichy District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the respondents to release the petitioner's Mahindra & Mahindra Maxx Pickup (Light Goods Vehicle) bearing Registration No.TN-31-AW-7050 seized by the third respondent police, by considering his representation dated 13.10.2020 within a time stipulated by this Court.

For Petitioner	: Ms.R.Yamuna
For Respondents	: Mr.J.Gunaseelan Muthiah Additional Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the the respondents to release the petitioner's vehicle, namely Mahindra & Mahindra Maxx Pickup (Light Goods Vehicle) bearing Registration No.TN-31-AW-7050 seized by the third respondent police, by considering his representation dated 13.10.2020 within a time stipulated by this Court.



2. Heard Ms.R.Yamuna, learned counsel appearing for the petitioner and Mr.J.Gunaseelan Muthiah, learned Additional 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 vehicle for business purposes. According to him, the third respondent registered a case in Crime No.829 of 2020, against him, alleging that he transported 1/4th unit of sand through the above mentioned vehicle. According to the petitioner, the said First Information Report was registered as early as on 01.10.2020 against him, for the offences punishable under Section 379 of I.P.C., read with Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

5. It is the contention of the petitioner that he is no-way connected with the transportation of 1/4th unit of sand through the above mentioned vehicle, for which, the First Information Report has been registered against him. According to him, only for statistical purposes, the third respondent has registered the said case and unlawfully seized the vehicle, belonging to the petitioner.

6. According to him, the said vehicle is now kept in the open place and exposed to hot sun and rain. If it is continued to be kept idle, the vehicle 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 vehicle to the petitioner.

7. Admittedly, the vehicle belonging to the petitioner is now kept in the open place and is exposed to hot sun and rain and to the vagaries of the nature. If it is allowed to be kept in open place for a long period of time, it will ultimately become a wreck. In similar matters, this Court has released the seized vehicle to the respective petitioners, subject to fulfillment of certain conditions. Therefore, this Court is inclined to grant similar relief to the petitioner.

8. Accordingly, this Court directs the respondents to release the petitioner's vehicle, namely, Mahindra & Mahindra Maxx Pickup (Light Goods Vehicle) bearing Registration No.TN-31-AW-7050, subject to the fulfillment of the following conditions:-

*(i) the petitioner is directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** before the second respondent for deposit into the District Mineral Foundation Trust that has been constituted by 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.

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

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

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PS/SSL

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,
Srirangam,
Trichy District.
2. The Assistant Director,
Mines and Minerals Department,
Trichy District.
3. The Inspector of Police,
Kollidam Police Station,
Trichy District.
4. The Officer Incharge,
District Mineral foundation Trust,
Trichy District.

+1 CC to the SPL GP (SR-20637[F] dated 23/10/2020)

W. P (MD) No.15038 of 2020

22.10.2020

PU(CO)

CS(04.11.2020) 4P 6C