



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.15303 of 2020

(Through Video Conference)

WEB COPY

Muthukumar

... Petitioner

Vs

1) The Revenue Divisional Officer,
Thiruchendur,
Thoothukudi District.

2) The Inspector of Police,
Eral Police Station,
Thoothukudi District.

3) The Assistant Director of Geology and Mining,
Collector Office,
Thoothukudi,
Thoothukudi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to release the petitioner's vehicle bearing registration no.TN 46 K 8176 and to hand over the above vehicle to the petitioner forthwith, by considering the petitioner's representation dated 27.10.2020 within the time limit that may be stipulated by this Court.

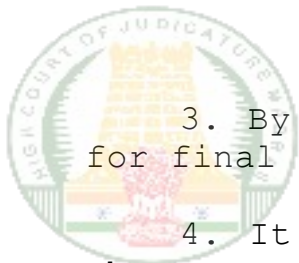
For Petitioner : Mr.N.Ramesh Arumugam

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

O R D E R

This writ petition has been filed for a Mandamus to direct the first respondent to release the petitioner's vehicle bearing registration no.TN 46 K 8176 and to hand over the above vehicle to the petitioner forthwith, by considering the petitioner's representation dated 27.10.2020.

2. Heard Mr.N.Ramesh Arumugam, learned counsel appearing for the petitioner and Mrs.V.P.M.Vaishnavi, learned Government Advocate 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 the owner of the Lorry bearing Registration No.TN 46 K 8176. According to him, on 17.10.2020, the Zonal Deputy Tahsildar while conducting checkup, seized the lorry of the petitioner on the allegation that the lorry has been used in the transportation of three units of M-sand illegally. Therefore, the second respondent police registered a F.I.R. in Crime No.465 of 2020 for the alleged offences under Section 379 of I.P.C. and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957. The petitioner's vehicle was seized by the second respondent on the same date.

5. According to the petitioner, the seized vehicle is now being kept in the open place and due to exposure of sun and rain and the vagaries of nature, the vehicle will lose its value and may, ultimately become a wreck and worthless. In such circumstances, this Writ Petition has been filed seeking for release of the said Lorry bearing Registration No.TN 46 K 8176.

6. The petitioner has also given a representation on 27.10.2020 to the respondents seeking for release of the said Lorry bearing Registration No.TN 46 K 8176. According to the petitioner, the said representation has not been considered by the respondents till date. As rightly contended by the petitioner, if the said vehicle, which was seized by the second respondent, is kept in the open place, it will not be useful to anyone in the near future and if it is continued to remain in the open, it has to face the vagaries of nature and ultimately will become a wreck and worthless. However, whether the petitioner has committed the alleged offence or not can be adjudicated only after trial before the Criminal Court. Till such time, the vehicle cannot be kept idle. Therefore, this Court is inclined to grant 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 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 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 vehicle to the second respondent; and

(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 Lorry bearing Registration No.TN 46 K 8176 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. As far as confiscation proceedings initiated against the seized vehicle is concerned, the same can go on without any interference.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

sts

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,
Thiruchendur,
Thoothukudi District.

<https://hcservices.ecourts.gov.in/hcservices/>



2) The Inspector of Police,
Eral Police Station,
Thoothukudi District.

3) The Assistant Director of Geology and Mining,
Collector Office,
Thoothukudi,
Thoothukudi District.

4) The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
W.P. (MD) No.15303 of 2020

Dated:
04.11.2020

BUC (CO)
KM (18.11.2020) 4P 5C