



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.11.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.16044 of 2020

D.Murugan

... Petitioner

Vs

1.The Revenue Divisional Officer,
Thirumangalam, Madurai District.

2.The Assistant Director,
Mines and Minerals Department, Madurai.

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

(Crime No.1906 of 2020)

... 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, i.e., Two Tipper lorries bearing Registration Numbers TN-63-AV-6366 and TN-59-AS-3022 and SP1314091 unregistered Hydraulic Excavator-130 TATA Kittachi vehicle, seized by the third respondent dated 07.10.2020 on the basis of the petitioner's representation dated 12.10.2020.

For Petitioner : Mr.G.Vishnuram

For Respondents : Mr.C.Ramar

Additional Government Pleader

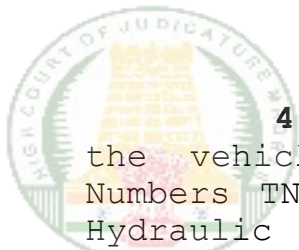
ORDER

(This Writ Petition was heard through Video Conferencing)

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to release the petitioner's vehicles namely, i.e., Two Tipper lorries bearing Registration Numbers TN-63-AV-6366 and TN-59-AS-3022 and SP1314091 unregistered Hydraulic Excavator-130 TATA Hitachi vehicle, seized by the third respondent dated 07.10.2020 on the basis of the petitioner's representation dated 12.10.2020.

2. Mr.C.Ramar, learned Additional Government Pleader, 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. Heard Mr.G.Vishnuram, learned counsel for the petitioner and Mr.C.Ramar, learned Additional Government Pleader for the respondents



4. It is the case of the petitioner that he is the owner of the vehicles, namely, Two Tipper lorries bearing Registration Numbers TN-63-AV-6366 and TN-59-AS-3022 and SP1314091 unregistered Hydraulic Excavator-130 TATA Hitachi vehicle respectively. According to the petitioner, on 07.10.2020, the Village Administrative Officer, K.Puliyangulam Village, seized the aforementioned vehicles and handed over the same to the third respondent. Thereafter, the third respondent registered a case against the petitioner in Crime No.1906 of 2020 for the offence punishable under Section 379 I.P.C., read with Section 21(5) of Mines and Minerals (Development and Regulation) Act, 1957, alleging that the petitioner has transported sand without proper invoices. According to the petitioner, ever since the seizure, the said vehicles are still in the custody of the third respondent Police.

5. 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.

6. According to the petitioner, he gave a representation to the first and third respondents on 12.10.2020 for releasing of the seized vehicles back to him. According to him, the first and third respondents have failed to respond to the said representation. In such circumstances, he has filed this Writ Petition seeking for release of the seized vehicles.

7. Admittedly, on 07.10.2020, the vehicles were seized by the Village Administrative Officer, K.Puliyangulam Village and he handed over the same to the third respondent. Thereafter, the third respondent registered a case against the petitioner in Crime No.1906 of 2020 for the offence punishable under Section 379 I.P.C., read with Section 21(5) of Mines and Minerals (Development and Regulation) Act, 1957, alleging that the petitioner has transported sand 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.

8. 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.75,000/- (Rupees Seventy 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 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 first 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.

9. Upon completion of the above mentioned formalities, the respondents shall release the vehicles namely, i.e., Two Tipper lorries bearing Registration Numbers TN-63-AV-6366 and TN-59-AS-3022 and SP1314091 unregistered Hydraulic Excavator-130 TATA Hitachi vehicle, 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.

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

Sd/-

Assistant Registrar (CS-I)

// 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 Revenue Divisional Officer,
Thirumangalam,
Madurai District.

2.The Assistant Director,
Mines and Minerals Department, Madurai.

3.The Inspector of Police,
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Madurai District.

+1 CC to M/s.SPL GP (SR-22203[F] dated 19/11/2020)

W.P. (MD) No.16044 of 2020
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CK(CO)
KB(27.11.2020) 4P 5C