



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.17011 of 2020
(Through Video Conference)

WEB COPY

Muthuraj

... Petitioner

Vs

- 1) The Assistant Director Geology and Mining,
Virudhunagar District,
Virudhunagar.
- 2) The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.
- 3) The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
- 4) The Village Administrative Office,
KeelaThiruthangal,
Virudhunagar 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 JCB bearing Registration No.TN 09 BS 1948 seized by the fourth respondent on 24.10.2020 to the petitioner.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader

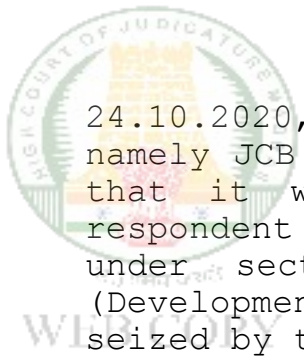
O R D E R

This writ petition has been filed for a Mandamus to direct the respondents to release the petitioner's JCB bearing Registration No.TN 09 BS 1948 seized by the fourth respondent on 24.10.2020 to the petitioner.

2. Heard Mr.T.Lenin Kumar, learned counsel appearing for the petitioner and Mr.A.Muthukaruppan, 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 the owner of the JCB bearing Registration No.TN 09 BS 1948. According to him, on



24.10.2020, the fourth respondent seized the petitioner's vehicle namely JCB bearing Registration No.TN 09 BS 1948 on the allegation that it was used to load 'cravel' and thereafter, the third respondent registered a case in Crime No.987 of 2020 for the offence under section 379 of IPC r/w 21(4) of Mines and Minerals (Development and Regulation) Act, 1957. The petitioner's vehicle was seized by the third respondent Police on the same date.

5. It is the contention of the petitioner that JCB bearing Registration No.TN 09 BS 1948 have also not been produced by the third respondent Police before the concerned Jurisdictional Court. According to the petitioner, the seized tractor and trailer are now being kept in the open place and due to exposure of sun and rain and the vagaries of nature, the tractor and trailer 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 JCB bearing Registration No.TN 09 BS 1948.

6. The petitioner has also given a representation on 02.11.2020 to the respondents seeking for release of the said JCB bearing Registration No.TN 09 BS 1948. According to the petitioner, the said representation has not been considered by the respondents till date. As rightly contended by the petitioner, if the JCB bearing Registration No.TN 09 BS 1948, which was seized by the third 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 vehicles cannot be kept idle. 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;

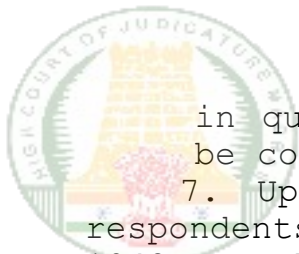
(iii) the petitioner shall not change the colour and scheme of the vehicles;

(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; and

(vii) as and when the respondents call for the vehicles on any day, the petitioner has to produce the vehicles



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 JCB bearing Registration No.TN 09 BS 1948 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. As far as confiscation proceedings initiated against the seized vehicles are 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)

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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 Mining,
Virudhunagar District, Virudhunagar.
 - 2) The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.
 - 3) The Inspector of Police,
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 - 4) The Village Administrative Office,
KeelaThiruthangal,
Virudhunagar District.
- +1 CC to M/s.GP (SR-23323[F] dated 30/11/2020)

Order made in

W.P. (MD)No.17011 of 2020

Dated:

27.11.2020

SE (CO)

KK(08.12.2020) 3P 6C

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