



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.11.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.17042 of 2020

Chandrasekaran

... Petitioner

Vs

1. The Assistant Director,
Geology and Mines Department,
Thanjavur District.

2. The Sub-Collector cum Revenue Divisional Officer,
Kumbakonam, Thanjavur District.

3. The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 2nd respondent to release petitioner's vehicle namely Bullock Cart from the custody of the 3rd respondent's police and to hand over the above vehicle to the petitioner, by considering petitioner's representation, dated 19.11.2020 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mrs.M.Rajeswari
Government Advocate

ORDER

(This writ petition is heard through Video Conference)

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to release the petitioner's Bullock Cart seized by the third respondent on 16.07.2020, to the petitioner.

2. Mrs.M.Rajeswari, learned Government Advocate, accepts notice for 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 having a bullock cart for the purpose of carrying goods for his agricultural activities. According to him, on 16.07.2020, the third respondent seized the bullock cart and registered a case in Crime No.811 of 2020 under Section 379 of IPC, and Section 21(4) of Mines and



Minerals (Development and Regulation) Act, 1957, alleging that the petitioner has transported the sand illegally in his bullock cart. According to him, ever since the seizure, the said bullock cart is still in the custody of the third respondent and till date, no confiscation proceedings has been initiated against the seized bullock cart.

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

5. According to the petitioner, he gave a representation to the respondents on 19.11.2020 for releasing of the seized bullock cart back to him. According to him, the respondents have failed to respond to the said representation. In such circumstances, he has filed this Writ Petition seeking for release of the seized bullock cart.

6. Admittedly, the bullock cart was seized by the third respondent on 16.07.2020 and registered a case in Crime No.811 of 2020 under Section 379 of IPC, and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, alleging that the petitioner has transported sand illegally in his bullock cart. Admittedly, the bullock cart is now in the third respondent premises and kept in the open place and exposed to the vagaries of nature and has also not been produced before the Jurisdictional Court.

7. As rightly contended by the learned counsel appearing for the petitioner, the bullock cart 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 bullock cart is 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.3,000/- (Rupees Three 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 use the bullock cart for any illegal activities.

(iii)before releasing the bullock cart, the police authority shall take photographs of the bullock cart at the cost of the petitioner.

(iv)As and when the respondents call for the bullock cart for enquiry, the petitioner has to produce



the bullock cart 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 bullock cart 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 bullock cart in the future.

9. 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)

TM

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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