



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.12.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.(MD)No.17304 of 2020

S.Ayyanuchamy

... Petitioner

Vs

1. The Revenue Divisional Officer,
O/o, the Revenue Divisional Office,
Tirunelveli, Tirunelveli District.
2. The Inspector of Police,
Karivalamvandhanallur Police Station,
Tirunelveli District.
(Crime No.340 of 2020)
3. The Assistant Director (Mines and Minerals),
O/o. Assistant Director (Mines and Minerals),
Collectorate Building,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to release the petitioner's vehicle, Tractor Mahendra 575 DI without registration number, Trailer bearing Registration No.TN 72 D 2038 and JCB bearing Registration No.PY 01 X 4583 based on the petitioner's representation dated 07.11.2020, within the time limit that may be stipulated by this Court.

For Petitioner : Mr.D.Rajaboopathy
For Respondents : Mr.A.Muthu Karuppan
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 1 and 2 to release the petitioner's vehicle, Tractor Mahendra 575 DI without registration number, Trailer bearing Registration No.TN 72 D 2038 and JCB bearing Registration No.PY 01 X 4583.



2. Mr.A.Muthu Karuppan, 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.D.Rajaboopathy, learned counsel for the petitioner and Mr.Muthu Karuppan, learned Additional Government Pleader for the respondents

4. It is the case of the petitioner that he is the owner of the aforementioned vehicles. According to the petitioner, on 24.10.2020, the second respondent seized the aforementioned vehicles and registered a case against the petitioner in Crime No.340 of 2020 for the offence punishable under Section 379 of I.P.C., 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 second respondent Police.

5. It is also the contention of the petitioner that the vehicles have also not been produced by the second 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 second respondents for releasing of the seized vehicles back to him. According to him, the first and second 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 24.10.2020, the second respondent seized the vehicles and registered a case against the petitioner in Crime No.340 of 2020 for the offence punishable under Section 379 I.P.C., 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.1,00,000/- (Rupees One Lakh 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, Tractor Mahendra 575 DI without registration number, Trailer bearing Registration No.TN 72 D 2038 and JCB bearing Registration No.PY 01 X 4583, 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-III)

// 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,
O/o, the Revenue Divisional Office,
Tirunelveli, Tirunelveli District.
2. The Inspector of Police,
Karivalamvandhanallur Police Station,
Tirunelveli District.
3. The Assistant Director (Mines and Minerals),
O.o. Assistant Director (Mines and Minerals),
Collectorate Building,
Tirunelveli District.

+1 CC to Mr.D.RAJA BOOPATHY, Advocate SR-23472.
+1 CC to the SPL GP SR-23664.

W.P. (MD) No.17304 of 2020
01.12.2020

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