



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.12.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.18329 of 2020

S.Saravanakumar

... Petitioner

Vs

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.

2.The Inspector of Police,
Thiruchuli Police Station,
Thiruchuli, Virudhunagar District.

3.The Assistant Director,
Department of Geology and Mines,
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 vehicle, by branding name Tipper Lorry bearing Registration No.TN 67 E 9622 and JCB bearing Registration No.TN 72 AE 5196, seized by the 2nd respondent on 03.11.2020.

For Petitioner : Mr.A.Balaji

For Respondents : Mrs.VPM.Vaishnavi
Government Advocate

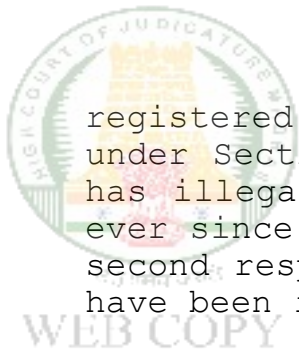
ORDER

(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 vehicles namely Tipper Lorry bearing Registration No.TN 67 E 9622 and JCB bearing Registration No.TN 72 AE 5196, forthwith.

2. Mrs.VPM.Vaishnavi, 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 the owner of the vehicles namely Tipper Lorry bearing Registration No.TN 67 E 9622 and JCB bearing Registration No.TN 72 AE 5196. According to him, on 03.11.2020, second respondent seized the vehicles and



registered a case in Cr.No.399 of 2020 for the offence punishable under Section 379 of IPC (Sand Theft), alleging that the petitioner has illegally transported sand in his vehicle. According to him, ever since the seizure, the vehicles are still in the custody of the second respondent Police and till date, no confiscation proceedings have been initiated against the seized vehicle.

4. 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 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.

5. According to the petitioner, he gave a representation to the respondents on 05.11.2020 for releasing of the seized vehicles 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 vehicle.

6. Admittedly, the vehicles were seized by the second respondent and a case has been registered in Cr.No.399 of 2020 for the offence punishable under Section 379 of IPC (Sand Theft), alleging that the petitioner has illegally transported sand in his vehicle. Admittedly, the vehicles are now in the Police Station 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 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 vehicle.

(iv)the petitioner shall not use the vehicles 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 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.

8. Upon completion of the above mentioned formalities, the respondents shall release the vehicles namely Tipper Lorry bearing Registration No.TN 67 E 9622 and JCB bearing Registration No.TN 72 AE 5196 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.

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

Sd/-

Assistant Registrar

// 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 Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.
2. The Inspector of Police,
Thiruchuli Police Station, Thiruchuli, Virudhunagar District.
3. The Assistant Director,
Department of Geology and Mines, Virudhunagar District.

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TP (CO)

AP(17/12/2020) 3P 4C