



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.18737 of 2020

(Through Video Conference)

Mohammed Miraji

... Petitioner

Vs

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

2. The Sub-Collector Cum
Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District

3. The Tahsildar,
Ramanadu Taluk,
Ramanathapuram District

4. The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to release the petitioner's vehicle of TATA Ace bearing Registration No.TN-99- J-8679 from the custody of the fourth respondent police and to hand over the above vehicle to petitioner, by considering the petitioner's representation dated 08.12.2020 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.K.Sathish Kumar

For Respondents : Mr.C.Ramesh
Special Government Pleader

O R D E R

This writ petition has been filed for a Mandamus to direct the second respondent to release the petitioner's vehicle of TATA Ace bearing Registration No.TN-99-J-8679 from the custody of the fourth respondents police and to hand over the above vehicle to petitioner, by considering the petitioner's representation dated 08.12.2020 within the time limit that may be stipulated by this Court.

2. Heard Mr.K.Sathish Kumar, learned counsel appearing for the petitioner and Mr.C.Ramesh, learned Special 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 TATA Ace bearing Registration No.TN-99-J-8679. According to him, on 17.11.2020, the fourth respondent seized the petitioner's vehicle on the allegation that it was used for the transportation of sand illegally without proper permit and license and therefore, a case was registered in Crime No.430 of 2020 for the alleged offence under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957. The petitioner's vehicle was seized by the fourth respondent Police on the same date.

5. It is the contention of the petitioner that the TATA Ace bearing Registration No.TN-99-J-8679 has also not been produced by the fourth respondent Police before the concerned Jurisdictional Court. According to the petitioner, the seized vehicle is now being kept in the open place and due to exposure of sun and rain and the vagaries of nature, the vehicle 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 TATA Ace bearing Registration No.TN-99-J-8679.

6. The petitioner has also given a representation on 08.12.2020 to the respondents seeking for release of the said TATA Ace bearing Registration No.TN-99-J-8679. According to the petitioner, the said representation has not been considered by the respondents till date. As rightly contended by the petitioner, if the said vehicle, which was seized by the fourth 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 vehicle cannot be kept idle. Therefore, this Court is inclined to grant relief to the petitioner subject to fulfillment of the following conditions:-

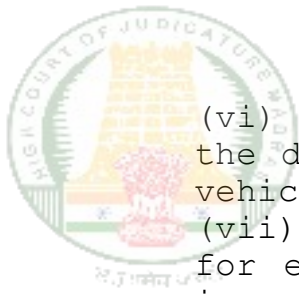
(i) the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** in favour of the second respondent within a period of two weeks from the date of receipt of a copy of this order;

(ii) the petitioner shall not alienate or encumber the vehicle 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 vehicle 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 vehicle to the second respondent; and
(vii) as and when the respondents call for the vehicle for enquiry, the petitioner has to produce the vehicle 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 TATA Ace bearing Registration No.TN-99-J-8679 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 vehicle in the future. As far as confiscation proceedings initiated against the seized vehicle is 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 III)

// 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 Mines Department,
Ramanathapuram District.
 - 2.The Sub-Collector Cum Revenue Divisional Officer,
Ramanathapuram, Ramanathapuram District.
 - 3.The Tahsildar,
Ramanadu Taluk,Ramanathapuram District.
 - 4.The Inspector of Police,
Devipattinam Police Station, Ramanathapuram District.
- +1 CC to M/s.SGP (SR-26720[F] dated 21/12/2020)

W.P. (MD)No.18737 of 2020

KVN (CO)

KK(28.12.2020) 3P 6C