



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2021

CORAM :

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN
and
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.14392 of 2021

Jakir Hussain

... Petitioner

Vs

1.The District Collector,
Cuddalore District,
Cuddalore Collector Office,
Gundu Salai Road, Alpet,
Manjakuppam,
Cuddalore - 607 001.

2.The Sub Collector,
No.1, Saradharam Mubarak Diamond Apartments,
Lalkhan Street,
Chidambaram - 608 001.

3.The Tahsildar,
Kattumannarkoil Taluk,
Cuddalore District,
Cuddalore - 608301.

4.P.Sampathkumar

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance a Writ of Mandamus, directing the Respondents based on the representation of the Petitioner dated 11.06.2021 to release the petitioner's vehicle (Tipper Lorry) bearing Registration No.TN-48-AH-1804 seized by the 3rd Respondent on 05.02.2021 to the petitioner.

For Petitioner : Mr.E.Manoharan.

For Respondents : Mrs.R.Anitha,
State Government Counsel
for R1 to R3.



O R D E R

(Order of the Court was delivered by N.KIRUBAKARAN, J)

WEB COPY

The matter has been heard through "Video Conference".

2.The Petitioner is the owner of the vehicle viz., tipper lorry bearing registration No.TN-48-AH-1804. He has lent the vehicle to the Fourth Respondent. It is alleged by the official Respondents that the vehicle has been used by the Fourth Respondent for illegal transportation of red soil and therefore, the vehicle has been seized by the Third Respondent on 05.02.2021 and the said vehicle is parked in the Court premises for the past 5 months.

3.The Learned Counsel for the Petitioner submits that if the vehicle is not properly maintained, the road worthiness of the vehicle would be lost. Therefore, the Petitioner has come before this Court seeking Writ of Mandamus, directing the Respondents to release the vehicle by considering the Petitioner's representation dated 11.06.2021.

4.Heard Mr.E.Manoharan, Learned Counsel for the Petitioner and Mrs.R.Anitha, Learned State Government Counsel for the Respondents 1 to 3.

5.Admittedly, the Petitioner is the owner of the property and he has lent the vehicle to the Fourth Respondent. The Fourth Respondent who have hired the vehicle from the Petitioner, seems to have misused the vehicle for transporting red soil and therefore, the vehicle has been seized by the Third Respondent on 05.02.2021. In this regard, the Petitioner has approached the Principal District and Sessions Court, Cuddalore, which is a designatory Court, in the month of February 2021. However, the said petition has not been disposed due to pandemic situation. Therefore, the Petitioner has come before this Court.

6.Considering the fact that so far a Special Court has not been constituted and the vehicle is parked in the Court premises for the past five months and there is a likelihood of the parts of the vehicle being stolen and since the road worthiness of the vehicle is also getting reduced, this Court directs interim custody of the vehicle to the Petitioner subject to the following conditions, which has already been imposed in a similar Writ Petition in W.P. No. 31453 of 2018 dated 29.01.2019 in the case of "P.Manikandan Vs. Inspector of Police, Anaikaranchatram Police Station, Sirkazhi Taluk, Nagapattinam District":-

(i) The petitioner shall produce relevant documents before the



Third Respondent to establish the ownership of the vehicle in question;

(ii) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of Crime No.68 of 2021 on the file of the Kattumannarkoil Police Station, Cuddalore District;

(iii) The petitioner shall give an undertaking that he will not use the vehicle for any other illegal/unlawful activities in future and he will not alienate/encumber the vehicle in question till the disposal of the proceedings before the authority concerned and he will produce the same as and when required by the respondents.

(iv) The petitioner shall also execute a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties in a like sum to the satisfaction of the Inspector of Police, Kattumannarkoil police Station, Cuddalore District/jurisdictional Magistrate.

7. On complying with the conditions imposed in this writ petition, the Third Respondent is directed to release the Tipper Lorry bearing Registration No. TN-48-AH-1804 to the petitioner forthwith. In case of violation of any of the conditions aforesaid, it is open to the respondents to initiate appropriate action for seizure of the vehicle.

8. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ay/rri

To

1. The District Collector,
Cuddalore District,
Cuddalore Collector Office,
Gundu Salai Road, Alpet,
Manjakuppam,
Cuddalore - 607 001.



2.The Sub Collector,
No.1, Saradharam Mubarak Diamond Apartments,
Lalkhan Street,
Chidambaram - 608 001.

3.The Tahsildar,
Kattumannarkoil Taluk,
Cuddalore District,
Cuddalore - 608301.

4.The Inspector of Police,
Kattumannarkoil Police Station,
Cuddalore District.

W.P. No.14392 of 2021

NK(CO)
SU(30/07/2021)