



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.410 of 2021

P.Kandasamy

... Petitioner

-Vs-

1.The Sub Collector cum Revenue Divisional Officer,
O/o. The Sub Collector cum Revenue Divisional Officer,
Sivakasi Sub Division,
Sivakasi,
Virudhunagar District.

2.The Tahsildar,
Srivilliputhur Taluk,
Thoothukudi District.

3.The Assistant Director (Mines & Minerals)
O/o. Assistant Director (Mines & Minerals),
Virudhunagar,
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 and 2 to release the petitioner's vehicle, Tractor bearing Registration No.TN 63 K 0882 with Trailer bearing Registration No.TN 67 Y 3477 based on his representation dated 24.12.2020 made to the respondents 1 and 2 in person, within the time limit that may be stipulated by this Court.

For Petitioner	: Mr.G.Thalaimutharasu
For Respondents	: Mrs.S.Srimathy, Special Government Pleader.

ORDER

Heard the learned counsel on either side. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner claims to be the owner of the petition mentioned vehicle. The petitioner's counsel states that till date the vehicle in question has not been produced before the jurisdictional court.

3.It has been held time and again that keeping the vehicle in the custody of the respondents is not going to serve any purpose. On the other hand, it will contribute to loss of value. Therefore, the Writ Court will always have the power to direct release of vehicle.



4.The learned counsel for the petitioner states that the vehicle has not been involved in any previous case of the same nature. He also submitted that the petitioner is also not having any previous case.

5.The Hon'ble Supreme Court in the decision reported in (2002) 10 SCC 283 (Sunderbhai Ambalal Desai and Others V. State of Gujarat) has held as follows:-

"17.In our view, whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles.

6.The petitioner's counsel states that the petitioner has paid the fine amount of Rs.25,535 on 21.12.2020 and the copy of the challan is also enclosed in the typed set of papers.

7. Therefore, I refrain from imposing any cost. Recording the submission of the learned counsel appearing for the petitioner, I direct release of the petition mentioned vehicle subject to the following conditions :

- a) The petitioner shall not alienate or encumber the vehicle in question till the proceedings are completed.
- b) The petitioner shall produce all the documents pertaining to the ownership of the seized vehicle. If the petitioner concerned is an agreement holder and the R.C book is with the financier, he or she can be permitted to produce the photocopies of the relevant documents and if the vehicle is a new one, sales invoice can be produced.
- c) As and when the respondents call for the vehicle for enquiry, the petitioner has to produce the vehicle in question and shall cooperate with the enquiry to be conducted by the respondents.

8.After completion of the aforesaid formalities, the respondents shall release the petition mentioned vehicle forthwith without any delay.



9.The Writ Petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

WEB COPY

/ /2021

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 Sub Collector cum Revenue Divisional Officer,
O/o. The Sub Collector cum Revenue Divisional Officer,
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Sivakasi,
Virudhunagar District.

2.The Tahsildar,
Srivilliputhur Taluk,
Thoothukudi District.

3.The Assistant Director (Mines & Minerals)
O/o. Assistant Director (Mines & Minerals),
Virudhunagar,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-935[F] dated 18/01/2021)

W.P. (MD) No.410 of 2021
11.01.2021

KUN (CO)

KB(22.01.2021) 3P 5C