



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1826 of 2021

Muthusingam

... Petitioner

-Vs-

1.The Revenue Divisional Officer,
Theni District,
Theni.

2.The Assistant Director of Mines and Minerals,
Theni District,
Theni.

3.The Inspector of Police,
Rayappanpatti Police Station,
Rayappanpatti,
Theni District.
(Crime No.79 of 2018)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the third respondent to release the petitioner's Tractor and Trailer bearing Registration No.TN 67 W 7971 seized on 19.03.2018 and keeping under the custody of the third respondent by consider his representation dated 07.12.2020.

For Petitioner	: Mr.K.Arunraj
For Respondents	: Ms.M.Rajeswari Government Advocate.

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. It was seized in connection with the petition mentioned crime number. 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. Even though the criminal case has been registered, the vehicle in question is yet to be produced before the jurisdictional Court. The case is still under investigation. Therefore, the Writ Court will always have the power to direct release of vehicle.

10 SCC 283

"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.

7. Therefore, I refrain from imposing any cost. I direct release of the petition mentioned vehicle subject to the following conditions :

8. After completion of the aforesaid formalities, the respondents shall release the petition mentioned vehicle forthwith without any delay. If the undertaking given by the petitioner is breached, the petitioner will not be entitled to interim release of the vehicle in future and the order passed by this Court will stand recalled and the vehicle in question will be taken back to custody and it will be released only after getting orders from this Court on such terms as this Court may deem it fit to impose.



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

Sd/-

Assistant Registrar (CO)

// True Copy //

WEB COPY

/ /2021

Sub Assistant Registrar(CS)

rmi

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,
Theni District,
Theni.
- 2.The Assistant Director of Mines and Minerals,
Theni District,
Theni.
- 3.The Inspector of Police,
Rayappanpatti Police Station,
Rayappanpatti,
Theni District.

+1 CC to M/s.SPL GP (SR-3290[F] dated 04/02/2021)

W.P. (MD)No.1826 of 2021
03.02.2021

MJ(CO)

KB(09.02.2021) 3P 5C