



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD)No.2207 of 2021

and

W.M.P. (MD)No.1830 of 2021

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Kathirvel

... Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Superintendent of Police,
Madurai District, Madurai.

3.The Tahsildhar,
Madurai East Taluk,
Madurai District.

4.The Block Development Officer,
Madurai East Panchayat Union,
Thallakulam, Madurai District.

5.The Inspector of Police,
Appan Thirupathi Police Station,
Madurai District.

6.Madurai District Borewell Rig Owner and
Agents Welfare Association,
Reg. By its President,
B.Suresh, No.1, M.K. Complex,
Melakkal Main Road,
Kochadai, Madurai - 16.

... Respondents

(R6 is suo motu impleaded vide order dated
10.02.2021 in W.P.(MD)No.2207 of 2021)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to release the drilling rig vehicle with bearing registration number KA 01 MU 2688 and the lorry with bearing registration number TN 28 AY 6577.

For Petitioner : Mr.Niranjana.S.Kumar

For Respondents : Mr.M.Rajarajan,
Additional Govt. Pleader for R1 to R3 & R5.
Mrs.Vaishnavi,
Government Advocate for R4.
Mr.M.Solaisamy for R6



ORDER

Heard the learned counsel for the petitioner, the learned Government Counsel for the official respondents and the learned counsel for Madurai District Borewell Rig Owner and Agents Welfare Association.

2. There is no dispute that the petitioner is the owner of the petition mentioned vehicles. The said vehicle was seized by the third and fourth respondents. The case of the authorities is that the petitioner had been plying the vehicles without getting permission.

3. The issue before me is not as to whether the petitioner is immune from any prosecution or legal action from being taken by the authorities. The only issue is whether the authorities should continue to hold the seized vehicles. It has been held time and again that keeping the vehicles in the custody of the authorities is not going to serve any purpose. On the other hand, the vehicles only lose their value. Since the ownership of the petitioner is not in dispute, the respondents 3 to 5 are directed to return the vehicle to the petitioner herein forthwith and without any delay. The petitioner of course gives an undertaking to this Court through his counsel that he will not alienate the vehicles in the meanwhile and he will cooperate with enquiry.

4. The writ petition is allowed on these terms. No costs.

Sd/-

Assistant Registrar (AE)

// True 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 District Collector,
Madurai District, Madurai.

2. The Superintendent of Police,
Madurai District, Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Tahsildhar,
Madurai East Taluk,
Madurai District.

4.The Block Development Officer,
Madurai East Panchayat Union,
Thallakulam, Madurai District.

5.The Inspector of Police,
Appan Thirupathi Police Station,
Madurai District.

+1 CC to M/s.NIRANJAN S.KUMAR, Advocate (SR-4336[F] dated
10/02/2021)

+1 CC to M/s.SPL GP (SR-4629[F] dated 11/02/2021)

W.P (MD) No.2207 of 2021

10.02.2021

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