



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2689 of 2021

Mohamed Iqbal

... Petitioner

Vs

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai District-630562.

2.The Assistant Director,
Geology and Mining Department,
Sivagangai District-630562.

3.The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to release the petitioner's bullock cart from the custody of the 3rd respondent on basis of the petitioner's representation dated 06.02.2021 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.Senthilkumar.R

For Respondents : Mr.M.Rajarajan,

Additional 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. 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.

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.Recording the submission made by the learned counsel for the petitioner on instructions, I direct release of the petition mentioned vehicle. The respondents shall release the petition mentioned vehicle forthwith without any delay.

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

Sd/-

Assistant Registrar (CO)

// 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 Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai District-630562.

2.The Assistant Director,
Geology and Mining Department,
Sivagangai District-630562.

3.The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.

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