



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.19408 of 2020

Vengadesan

... Petitioner

Vs

1.The Assistant Director,
Geology and Mining Department,
Thanjavur District.

2.The Sub Collector cum Revenue Divisional Officer,
Thanjavur, Thanjavur District.

3.The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to release the petitioner's vehicle of bullock cart from the custody of the third respondent's Police and to hand over the above vehicle to the petitioner, by considering the petitioner's representation dated 12.12.2020 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.M.Rajarajan

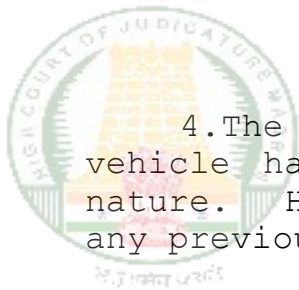
Additional Government Pleader

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. 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.



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)

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 Assistant Director,
Geology and Mining Department,
Thanjavur District.

2.The Sub Collector cum Revenue Divisional Officer,
Thanjavur, Thanjavur District.



3.The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.

+1 CC to M/s.SPL GP (SR-267[F] dated 06/01/2021)

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04.01.2021

MJ(CO)
KB(11.01.2021) 3P 5C