



W.P.(MD) No.1336 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.1336 of 2023

Karunanithi

... Petitioner

-Vs-

1.The District Collector,

Thanjavur District,

Thanjavur.

2.The Assistant Director,

Geology and Mining Department,

Thanjavur District, Thanjavur.

3.The Sub-Inspector of Police,

Natchiyarkovil Police Station,

Thanjavur District.

... Respondents

Page 1 of 6



W.P.(MD) No.1336 of 2023

WEB CONTENT

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to release the petitioner's Tractor bearing Registration No.TN49 R7149 HMT and unnumbered Tipper.

For Petitioner : Mr.P.R.Prithviraj
For R1 & R2 : Mr.P.T.Thiraviyam,
Government Advocate
For R3 : Mr.S.Ravi,
Additional Public Prosecutor

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

According to the petitioner, the 3rd respondent seized his Tractor bearing Registration No.TN49 R7149 HMT and unnumbered Tipper in the month of August, 2022. However, the same has not been produced before the jurisdictional Magistrate concerned. Therefore, seeking release of his vehicle, the petitioner is before this Court.

2.When the matter was taken up for hearing on 24.01.2023, the 3rd respondent was directed to appear before this Court and explain as to why the

Page 2 of 6



W.P.(MD) No.1336 of 2023

vehicle has not been produced before the jurisdictional Magistrate concerned immediately. In pursuance of the same, the 3rd respondent has appeared before this Court on 30.01.2023 and filed counter affidavit. The relevant portion of the same is extracted hereunder:-

3) I submit that the petitioner was instructed to produce the documents of the vehicle. But he refused to do it for the past 5 months. Apart from the above we had requested the P.W.D. authorities to take over the sand after fixing rate of the sand so as to enable us to hand over the vehicle before the concerned court. Hence a delay of 5 months occurred. We got fixed the rate of the above sand from Asst. Engineer, Department of Water Resources, Cauvery Irrigation Division, Nachiarkoil at Kothangudi, in Letter No. Ko 10/2020/AE(N)/ dt. 24.01.2023. On that day itself, the sand was handed over to the P.W.D. and the vehicle with tipper was produced before the court of Learned Judicial Magistrate, Kumbakonam vide C.P.No.19/2023.

4) I submit that the entire investigation is completed and steps are being taken to lay charge sheet against the accused in the above case. "

3.In view of the aforesaid averments, we are of the considered view that since the vehicle has been produced before the Judicial Magistrate



W.P.(MD) No.1336 of 2023

WEB COPY

concerned, the petitioner has to approach the Judicial Magistrate concerned for release of his vehicle. Accordingly, this Writ Petition stands dismissed. At this juncture, it is brought to the notice of this Court by the learned Additional Public Prosecutor appearing for the 3rd respondent that pursuant to the direction of this Court dated 30.01.2023, the Director General of Police / Head of Police Force, Tamil Nadu, Chennai, has issued a circular to all the police officials for production of the seized vehicles before the jurisdictional Magistrate concerned without any delay. The relevant portion of the same is extracted hereunder:-

“3)Section 102 of Cr.PC deals with the Power of Police Officer to seize certain property: “Any Police Officer may seize any property which may be alleged of suspected to have been stolen, or which may be found under circumstances which create suspicion of the commission of any offence. Such Police Officer, if subordinate to the officer in-charge of a police station, shall forthwith report seizure to that officer. Every Police officer acting under sub-section (1) shall forthwith report the seizure to the magistrate having jurisdiction and where the property seized is such that it cannot be conveniently transported to the Court [or where there is difficulty in securing proper accommodation for the custody of such property, or where the continued retention of the property in police custody may



W.P.(MD) No.1336 of 2023

WEB COPY

not be considered necessary for the purpose of investigation] he may give custody thereof to any person on his executing a bond undertaking to produce the property before the Court as and when required and to give effect to the further orders of the Court as to the disposal of the same.”

No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [L.V.G., J.]

21.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

MYR

To

1.The District Collector,

Thanjavur District,

Thanjavur.

2.The Assistant Director,

Geology and Mining Department,

Thanjavur District, Thanjavur.

Page 5 of 6



WEB COPY



W.P.(MD) No.1336 of 2023

D.KRISHNAKUMAR, J.
AND
L.VICTORIA GOWRI, J.

MYR

3.The Sub-Inspector of Police,
Natchiyarkovil Police Station,
Thanjavur District.

W.P.(MD)No.1336 of 2023

21.02.2023

Page 6 of 6