



W.P.No.13430 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

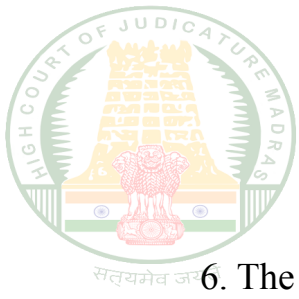
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R.Anand

.. Petitioner

Versus

1. The District Collector,
District Collector Office,
Udhagamandalam,
The Nilgiris.
2. The Sub-Collector/Revenue Division Officer,
O/o. Revenue Divisional Office,
Conoor, The Nilgiris.
3. The Tahsildar,
Kothagiri, The Nilgiris.
4. The Revenue Inspector,
Kothagiri, The Nilgiris.
5. The Village Administrative Officer,
Kothagiri 3 Village,
The Nilgiris.



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6. The Village Assistant,
Kothagiri 3 Village,
The Nilgiris.

7. The Sub-Inspector of Police,
Kothagiri Police Station,
Kothagiri, The Nilgiris.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus directing the respondents 2 and 3 to return the machine namely Kubota Mini Excavator U30-5, Sl.No.80291 bearing engine No.7GB1292 machine to the petitioner within stipulated time fixed by this Court.

For Petitioner : Mr.B.Gopalakrishnan

For Respondents : Mr.R.Murthi,
Government Advocate, for RR-1 to 5

: Mr.V.Meganathan,
Government Advocate (Crl. Side),
for R6

ORDER

This Writ Petition is filed for a direction to the respondent Nos.2 and 3 to return the petitioner's Kubota Mini Excavator vehicle, bearing Engine



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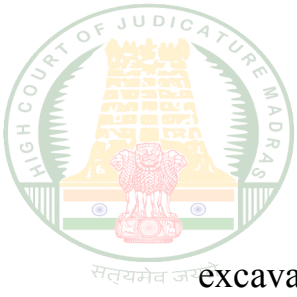
No.7GB1292 and Sl.No.80291.

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2. The petitioner has filed the Writ Petition as if that the respondent authorities have high-handedly taken away the said machine.

3. However, when the matter is taken up for hearing, *Mr.R.Murthi*, the learned Government Advocate for the respondent Nos.1 to 5, upon written instructions, would submit that there is a rough terrain in a particular patta land owned by four persons. The petitioner and others originally involved in making pathway to the said patta land. For the purpose of making pathway, without permission of the Mining Department, the stones were quarried, removed and used for making the pathway.

4. Upon complaint, the authorities inspected the spot and directed the individuals from desisting from doing the same. After that, by using the subject matter Kubota Mini Excavator, the petitioner once again tried to



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excavate those stones. That was done dangerously at a height of 150 meters

slope. There are tenements which are situated 150 meters down the slope.

Therefore, any minor lapse on the petitioner would have resulted in a great

disaster. Therefore, the authorities inspected the same and seized the said

Kubota Mini Excavator. In this regard, it is further stated that already, the

Sub-Collector, Coonoor filed a private complaint on 01.04.2025.

5. I have considered the rival submissions and perused the material records of the case.

6. In view of the reasons that are mentioned by the learned Government Advocate, the authorities were justified in seizing the vehicle.

However, once a vehicle is seized, unless there is any special statutory power relating to the offence to confiscate the vehicle, they should immediately produce the vehicle before the concerned Magistrate. Once a private complaint is filed, the vehicle should have been produced before the



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Magistrate so that the petitioner will be at liberty to file such an application before the appropriate Court for return of the vehicle.

7. Therefore, this Writ Petition is disposed of on the following directions:-

(i) Within one week from the date of receipt of a web-copy of this order, the respondent authorities shall produce the said Kubota Mini Excavator before the appropriate Court, before which, the private complaint was filed and the petitioner will be entitled to file such an application for return of the vehicle;

(ii) If the vehicle is not produced before the Court within such time, the same shall be returned to the petitioner;

(iii) There shall be no order as to costs.

16.04.2025

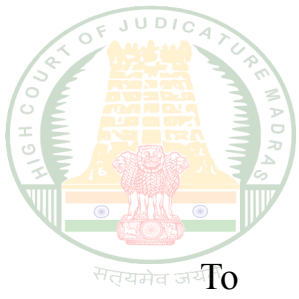
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