

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2785 of 2021

Selvam

... Petitioner

-Vs-

1.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

2.The Inspector of Police,
M.Kallupatti Police Station,
Madurai District.

3.The Assistant Director,
Mines and Minerals Department,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent herein to release the petitioner's Tractor Swaraj 855FE being Registration No.TN 76 X 8852 with unregistered Trailer (Chassis No.0059/2012) to the petitioner on the basis of the representation dated 05.02.2021.

For Petitioner : Mr.S.Balaji

For Respondents : Mr.M.Rajarajan
Additional Government Pleader

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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 authoritatively held by the Hon'ble Supreme Court in the decision reported in **(2002) 10 SCC 283 (Sunderbhai Ambalal Desai and Others V. State of Gujarat)** that whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a long period. That would not only serve any purpose but also result in loss of value.

4.Notwithstanding the registration of criminal cases, the vehicle in question is yet to be produced before the jurisdictional court. Therefore, the writ court is definitely possessed of the power to direct release of the vehicle. Neither the petitioner nor the vehicle is involved in any

previous case of the same nature. In similar circumstances, this Court has been directing the release of the seized vehicle on remittance of certain sum of money as non refundable payment. I have been directing costs to be paid either to the credit of the mineral foundation trust (central government entity) or a governmental authority.

5. Yesterday, ie., 14th February, the nation remembered the martyrs who laid down their lives for the motherland at Pulwama. To add solemnity to the occasion, “*Sam Manekshaw's Beloved Armed Forces*” authored by Shri.N.Vijayaraghavan, advocate was released. Major General R.Karthikeyan who saw action in all the four wars while speaking on the occasion lamented that though Officers Training Academy is located in Chennai, hardly one percent of the officers are from the State of Tamil Nadu. Awareness should be spread among the school going students in this regard. Motivation can come only by reading the lives of iconic figures. If our children are acquainted with the life of Field Marshal Sam Manekshaw, it would certainly inspire them to join the army and serve the nation.

6. Hearing me thinking aloud, the learned counsel for the petitioner came forward to remit a sum of Rs.20,000/- in favour of Kalaimagal Publications. The Publisher, Kalaimagal Publication is requested to distribute corresponding number of copies among the schools and institutions that may be suggested by the learned author himself.

7. I direct release of the petition mentioned vehicle subject to the following conditions :

- a) The petitioner shall pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) in favour of the Kalaimagal Publications, in Current Account Number : 4212084759 , IFSC Code : KKBK0008476, KOTAK MAHINDRA BANK, Dr. RADHAKRISHNAN SALAI, MYLAPORE, CHENNAI – 600 004. It will be a non refundable payment. The learned counsel for the petitioner after depositing the said amount shall inform in writing to the said Publication about the deposit.
- b) The petitioner shall not alienate or encumber the vehicle in question till the proceedings are completed.
- c) The petitioner shall produce all the documents

pertaining to the ownership of the seized vehicle. If the petitioner concerned is an agreement holder and the R.C book is with the financier, he or she can be permitted to produce the photocopies of the relevant documents and if the vehicle is a new one, sales invoice can be produced.

- d) As and when the respondents call for the vehicle for enquiry, the petitioner has to produce the vehicle in question and shall cooperate with the enquiry to be conducted by the respondents.

8. After completion of the aforesaid formalities, the respondents shall release the petition mentioned vehicle forthwith without any delay. If the undertaking given by the petitioner is breached, the petitioner will not be entitled to interim release of the vehicle in future and the order passed by this Court will stand recalled and the vehicle in question will be taken back to custody and it will be released only after getting orders from this Court on such terms as this Court may deem it fit to impose.

9.The Writ Petition is allowed accordingly.

15.02.2021

Index : Yes/No

Internet : Yes/No

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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,
Usilampatti,
Madurai District.

2.The Inspector of Police,
M.Kallupatti Police Station,
Madurai District.

3.The Assistant Director,
Mines and Minerals Department,
Madurai.

Copy To:

The Kalaimagal Publications,
Dr.Radhakrishnan Salai, Mylapore,
Chennai.