

IN THE COURT OF DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,  
VEPPANTHATTAI

Present: E. Deiveegan, B.A., L.L.B.,  
District Munsif cum Judicial Magistrate, Veppanthattai.  
Friday the 05<sup>th</sup> Day of June 2026  
**Cr.M.P. No. 124/ 2026 in Crime No.73/2026**

Vetrivel (29/2026), S/o. Kandhasamy  
No. 93(1), Siruvayalur Village,  
Neykuppai Post, Veppanthattai Taluk,  
Perambalur District.

..... Petitioner

//Vs//

State Represented by,  
Sub Inspector of Police,  
V. Kalathur P.S  
Crime No. 73/2026.  
U/s. 303(2) BNS, 21(1) M&M (D&R) Act

.....Respondent/Complainant

This petition coming before me on 05.06.2026 for final hearing in the presence of Thiru. R. Sakthibalan, Advocate appearing for Petitioner and Respondent Police representing for state, Upon hearing arguments of both parties, perusing the records and having stood over for consideration till this day, this Court delivers the following,

**ORDER**

1. This petition is filed by the petitioner U/s. 497 R/W 503 of BNSS 2023 seeking return of property namely Mahindra, Swaraj 742 XTN, BLUE Colour Tractor with box bearing registration number TN 46 AE 4952. The police had seized the property in the aforesaid Crime Number for having involved in offense U/s. 303(2) BNS, 21(1) M&M (D&R) Act
2. The Petitioner would submit that the Petitioner is the owner of the property and there is no cloud over the same, the property is in the custody of the Respondent, the Petitioner is ready to obey any conditions imposed by this Court and thus, it is pleaded to grant interim custody of the said property to the Petitioner.
3. Notice caused and received the reply of the Respondent.

4. The Respondent vehemently opposed and objected to grant interim custody.

5. Both side Heard, records perused.

6. On perusal of copy of R.C.book of the vehicle, it reveals that Petitioner is the owner of the petition mentioned property Mahindra, Swaraj 742 XTN, BLUE Colour Tractor with box bearing registration number TN 46 AE 4952. The ownership of the property not under cloud. At this juncture, the question that would come before this court is that whether this court empowered to grant interim custody in Mines and Minerals Act?

For the aforesaid it would be relevant to extract the sapient passage of the Judgment of “The Hon’ble High Court Madras in CrI.R.C(MD)No.1095 of 2023 dated: 15.02.2024” pronounced that the petitioner/Owner of the property are granted liberty to file appropriate petition before the Judicial Magistrate Court to decide about the interim custody in accordance with law within two months from the date of file of such a petition. This Court is fortified by the order of the Hon’ble Court as said supra and so this Court has no hesitation to hold that the Judicial Magistrate of relevant jurisdiction is empowered to order to grant interim custody of the property connected with Mines and Minerals Act. Hence, taking note of the fact that the Petitioner being owner of the property alleged to involved in Mines and Minerals Act eligible to grant the order of interim custody. It is pertinent and imperative that it would be meaningless to retain the property under the hot and cold weather in the hands of the Respondent which may tend to ruin the property. Therefore, there is no hurdle to handover the interim custody of the property to the petitioner. Further, the property is said to be in the hands of the Respondent Police. The Respondent is hereby directed to produce to this court Office immediately.

7. After such production of property the Petitioner may take interim custody of the said Property. In the result, this Petition is allowed on condition, that, the Petitioner is here by ordered to deliver the property on interim custody with following conditions:-

1. The Petitioner should produce two sureties for the sum of Rs.5,00,000/-.
2. The Petitioner should produce photograph of the property along with CD.
3. The Petitioner is directed to produce the certified xerox copy of RC Book of the Property.
4. The said Case property is Should not be sold or mortgaged.
5. The Petitioner should produce the vehicle before the court as and when ordered to do so.

This Order is dictated by me to the Steno-Typist of this Court, directly typed by her in Computer, corrected and pronounced by me in open court, this the 05<sup>th</sup> **day of June, 2026.**

District Munsif Cum Judicial Magistrate,  
Veppanthattai.