

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.23613 of 2018

and

WMP.No.27551 of 2018

C.Venkatesan

.. Petitioner

Vs

1.The Additional Chief Secretary to Government,
Industries Department,
Chennai-9.

2.The Commissioner,
Geology and Mining,
Guindy, Chennai.

3.The District Collector,
Villupuram.

4.The Inspector of Police,
Vanur Police Station,
Vanur.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents 3 and 4 to herein to release the vehicle bearing Registration No.TN 54 8781 Tarus lorry to the petitioner forthwith.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.V.Shanmuga Sundar
Special Government Pleader

O R D E R

The petitioner has come up with the present writ petition for a mandamus directing the respondents 3 and 4 to release the vehicle viz., Tarus Lorry bearing Registration No.TN 54 8781 to him.

2.According to the petitioner, he is the owner of the vehicle in question and is using the same for agricultural purpose. On 05.01.2015, his vehicle was seized and handed over to the fourth respondent alleging that it was indulged in transporting granite stones, without any permission. Subsequently, after conducting enquiry, the third respondent passed an order dated 24.04.2015, directing the petitioner to

pay a total sum of Rs.3,74,322/- (Rs.3,07,785/- towards value of the material + Rs.22,179/- towards seigniorage fee + Rs.44,358/- towards penalty). Aggrieved over the same, the petitioner preferred an appeal before the second respondent, which was dismissed on 29.01.2016. Challenging the dismissal of the appeal, he went on further appeal on 07.04.2016 before the first respondent, which is pending, without any progress. Hence, the petitioner is before this Court.

3.The learned counsel for the petitioner submitted that the petitioner is depending on the vehicle in question for eking out his livelihood and the vehicle is kept idle in the police station exposing it to sun and rain, for more than three years. The learned counsel further submitted that in identical case, this Court, vide order dated 02.11.2017 in WP No.27096 of 2017, disposed of the writ petition, directing the respondent therein to release the vehicle with certain conditions. Therefore, the learned counsel prayed that following the aforesaid order, the vehicle in question may be released.

4.Needless to state that it is for the authority to consider such claim of the petitioner and pass appropriate orders and therefore, this Court, at this stage, is not expressing any view on the claim made by the petitioner. However, considering the fact that the vehicle was seized as early as on 05.01.2015 and the same is kept idle thereby exposing it to sun and rain, which undoubtedly would diminish its value, this Court is inclined to release the vehicle bearing Registration No.TN 54 8781, on complying with the certain conditions by the petitioner.

5.Accordingly, the writ petition is disposed of, with the following directions:

(a) The petitioner shall pay a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand Only) to the third respondent within a period of one week from today, failing which, this order shall stand vacated automatically.

(b) The petitioner shall appear in person and produce all the relevant documents proving the ownership of the vehicle for verification of the authority.

(c) On receipt of payment by the third respondent and also on being satisfied with the ownership of the vehicle, the fourth respondent shall release the same forthwith, if the vehicle is not involved in any other case.

(d) The petitioner shall not use the said vehicle for any unlawful purpose and

also shall not alienate the same during the pendency of the proceedings.

(e) The first respondent shall dispose of the appeal filed by the petitioner on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

(f) If no such order is passed within the time stipulated therein, the amount so paid by the petitioner shall be refunded to the petitioner.

(g) This order for release of the vehicle can be availed of by the petitioner, if the vehicle is not in the custody of criminal Court. If the vehicle is in the custody of the criminal Court, it is open to the petitioner to approach the jurisdictional Magistrate to get release of the vehicle by filing appropriate application and the same can be considered in accordance with law.

No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

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Sub Assistant Registrar

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To

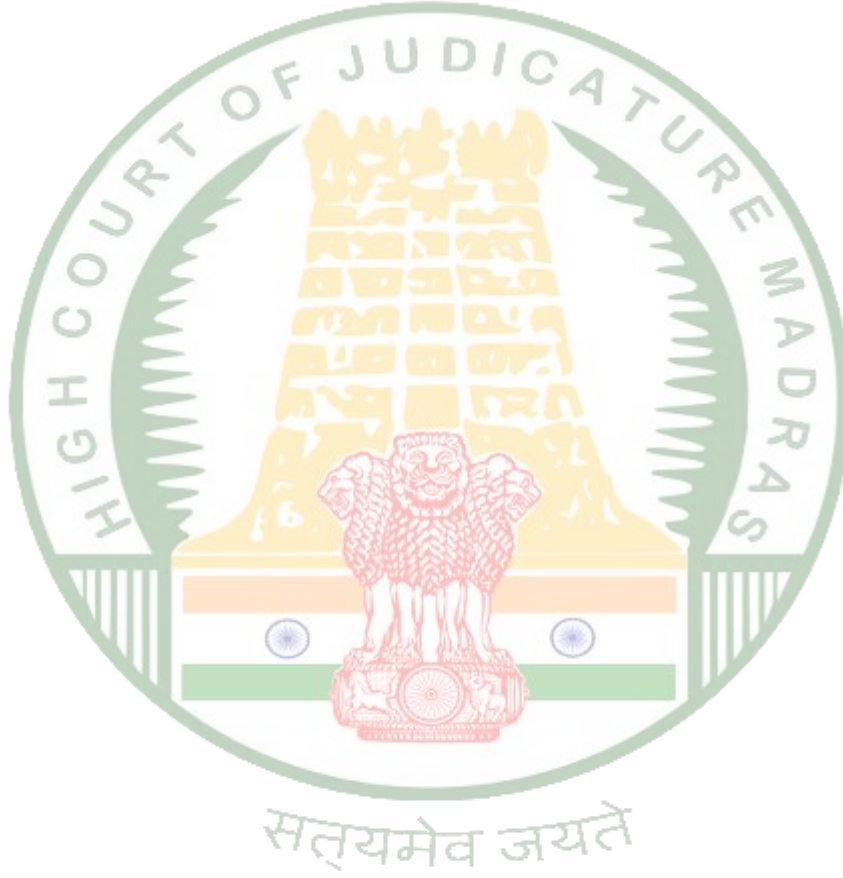
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+1cc to Mr.N.Suresh, Advocate SR.NO.64376
+1cc to Government Pleader SR.NO.64578

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