

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.01.2019

CORAM

THE HON'BLE MR JUSTICE M.SATHYANARYANAN
AND
THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

W.P.No.375 of 2019

V. Seetharam

... Petitioner

Vs

1. The Deputy District Collector,
Mines and Minerals,
Office of the Collectorate,
Cuddalore.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Vridhachalam
3. The State
rep by The Sub Inspector of Police,
Karuveppilankurichi Police Station,
Thittakudi Taluk,
Cuddalore District

... Respondents

Writ Petition filed under Article 226 of Constitution of India praying this Court to issue a Writ of Mandamus directing the 3rd respondent to consider the representation dated 17.12.2018 direct the respondent to release the Tipper Lorry bearing Registration No.TN 28 AL 3145 with condition.

For petitioner : Mr.T. Dhanasekaran

For respondents : Mr.E. Manoharan
AGP

ORDER

(Order of the Court was made by M. SATHYANARAYANAN,J.,)

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner claims to be the owner of the vehicle

bearing Registration TN 28 AL 3145 and the vehicles were engaged for transporting sand. According to him, on 24.09.2018 at 8.30 a.m, when the vehicle was transporting sand near Sathyavadi to Vellar River, it was seized by the respondents on the ground that the vehicle has been used for illegal transportation of sand and a case in Crime No.251 of 2018 was registered by the Inspector of Police, ***Karuveppilankurichi Police Station** for the alleged commission of offence punishable under Section 379 IPC r/w. Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957. The petitioner would state that he is no way connected with the alleged commission of the said offences and the only allegation is that the quarry owner said to have forged the bills and as such, the petitioner cannot be mulcted with any criminal liability

3. The learned counsel appearing for the petitioner would submit that after seizure, the petitioner made a representation on 17.12.2018 before the respondents praying to release the vehicles but still the respondents have not released the lorry. The learned counsel appearing for the petitioner would further submit that the petitioner is eking out his livelihood out of the income earned from operating the vehicle and since the vehicle has been seized as early as on 24.09.2018 and parked in open space, there is likelihood of getting rusted or damaged on account of vagaries of weather and hence, the petitioner is left with no other alternative except to approach this Court by filing these writ petitions and therefore, prays for appropriate direction for release of the said vehicle.

4. Per contra, Mr.E.Manoharan, learned Additional Government Pleader, who accepts notice on behalf of the respondents, would submit that the allegations in the F.I.R. are serious in nature and since a criminal case has also been registered, the vehicle cannot be released and prays for dismissal of this writ petition.

5. This Court has considered the rival submissions and also perused the materials placed before it.

6. This Court, upon hearing the rival submissions and on going through the materials, especially the averments made in the affidavit filed in support of these writ petition, is inclined to order the release of the vehicle, in question, by way of interim custody to the petitioner, subject to the following conditions:

- (i) The petitioner shall produce relevant documents before the respondent to establish the ownership of the vehicles in question;

(ii) The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten thousand Only) each to the credit of Cr.No.251 of 2018 on the file of the respondents police;

(iii) The petitioner shall give an undertaking that he will not use the vehicle for any other illegal/unlawful activities in future and he will not alienate/encumber the vehicle in question till the disposal of the proceedings before the authority concerned and he will produce the same as and when required by the respondents/jurisdictional police/jurisdictional Magistrate.

(iv) The petitioner shall also execute a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties in a like sum to the satisfaction of the respondent police/jurisdictional Magistrate.

7. On complying with the conditions imposed in this writ petition, **** 3rd Respondent may be** directed to release the vehicle bearing Registration No.TN 28 AL 3145 to the petitioner forthwith. In case of violation of any of the conditions aforesaid, it is open to the respondent to initiate appropriate action for seizure of the vehicle.

8. The Writ Petitions are disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CO)

Dated: 06/02/2019

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Amended as per Order of this Court's

dated: 28/02/2019 made in

WP.No. 375/2019

Sd/-Assistant Registrar(CO)

Dated: 04/03/2019

//True Copy//

Sub Assistant Registrar

sr

To

1. The Deputy District Collector,
Mines and Minerals,
Office of the Collectorate,
Cuddalore.
2. The Revenue Divisional Officer,
Office of the Revenue
Divisional Office,
Vridhachalam.
3. The State
rep by The Sub
Inspector of Police,
Karuveppilankurichi
Police Station,
Thittakudi Taluk,
Cuddalore District.

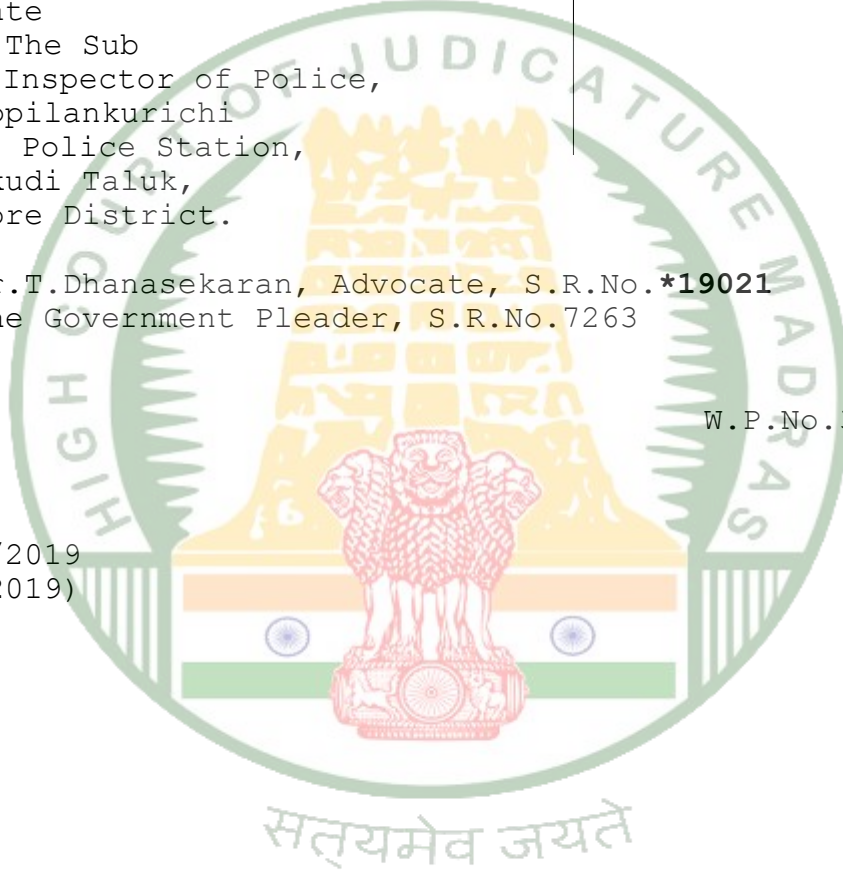
+1cc to Mr.T.Dhanasekaran, Advocate, S.R.No.*19021
+1cc to the Government Pleader, S.R.No.7263

**To be Substituted to
the Order already
Despatched on
27/02/2019**

W.P.No.375 of 2019

RGN (CO)

rrs 07/02/2019
GN(05/03/2019)



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