

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 01.02.2019

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P.No.1609/2019

K.R.Kamalraj

..Petitioner

Vs.

The Sub Collector
Dharapuram, Tiruppur District.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondent to release the tipper lorry bearing Registration No.TN-22-BU-2277 seized by the Director of Mines, Tiruppur, Tiruppur District on 29.12.2018 to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.A.Ansar, GA

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 Tipper Lorry bearing Reg.No.TN-22-BU-2277 Engine Number XUE1176027, Chassis Number MBIG3DWC9AE9C0457 and according to him, he has transported gravel after obtaining valid permit and license and despite the said fact, the vehicle has been seized by the Assistant Director of Mines, Tiruppur, on 29.12.2018 alleging that it was found transporting the said materials illegally. However, the learned counsel for the petitioner would submit that no criminal case has been registered and since the gravel has been transported with a valid and legal permit and that the vehicle is parked in the office of the respondent for nearly one month and odd, and that the petitioner is also depending upon the vehicle for eking out his livelihood, he prays for early release of the vehicle.

3 Per contra, Mr.A.Ansar, learned Government Advocate appearing for the respondent would submit that since the vehicle

was found transporting gravel illegally without any valid permit, it has been seized rightly and further proceedings are on and would fairly submit that no criminal case has been registered and opposed the release of the vehicle.

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

5 This Court, in the light of the submissions made coupled with the facts and circumstances, 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 respondents to establish the ownership of the vehicle in question;
- (ii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty five Thousand Only) to the credit of the respondent, viz., the Sub Collector, Dharapuram, Tiruppur District ;
- (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 respondent police/jurisdictional Magistrate.
- (iv) The petitioner shall also execute a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties in a like sum to the satisfaction of the respondents/respondent police/jurisdictional Magistrate.

6 On complying with the conditions imposed in this writ petition, the respondent is directed to release the Tipper Lorry bearing Reg.No.TN-22-BU-2277 Engine Number XUE1176027, Chassis Number MBIG3DWC9AE9C0457 to the petitioner forthwith. In case of violation of any of the conditions aforesaid, it is open to the respondents to initiate appropriate action for seizure of the vehicle. It is also made clear that this Court has not ordered the release of contraband said to have been transported in the said vehicle.

7 This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

AP

To

The Sub Collector
Dharapuram, Tiruppur District.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.9335
+1cc to the Government Pleader, S.R.No.9168

W.P.No.1609/2019

rrs 06/02/2019



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