

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 13.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.2657 of 2019

Mayilsamy

.. Petitioner

Vs.

The Tahsildar,
Perur,
Coimbatore District

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent to release petitioner's lorry bearing Registration No.TN43 D 7508 which was seized by the respondent on 06.12.2018 and keeping under the custody of the respondent by considering his representation dated 05.01.2019.

For petitioner : Mr.M.N.Balakrishnan
For respondent : Mr.D.Raghu,
Government Advocate.

ORDER

(The Order of the Court was made by R.Subbiah,J)

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus, directing the respondent to release his lorry bearing Registration No.TN43 D 7508 which was seized by the respondent on 06.12.2018 and keeping under the custody of the respondent by considering his representation dated 05.01.2019.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent.

3. According to the petitioner, the respondent has seized the vehicle in question on 06.12.2018 on the ground of illegal mining and till date, no order for release of the said vehicle had been passed by the respondent. Hence, he has come forward with the present Writ Petition.

4. On the other hand, it is submitted by the learned Special Government Pleader appearing for the respondent that the vehicle in question was used for illegal transportation of mines and minerals like sand, etc., and hence the vehicle was seized. He further submitted that the petitioner has no previous case.

5. In any event, as the vehicle is under the custody of the respondent from the date of seizure and considering the fact that if the same is allowed to be kept idle by exposing the same to rain and shine, it would certainly diminish their value, this Court is of the view that the vehicle in question may be released by imposing conditions on the petitioner.

6. Accordingly, the respondent is directed to release the vehicle in question to the petitioner within a period of 7 days from the date of compliance of the below mentioned condition Nos.(i) to (iii) :

(i) The petitioner shall deposit a sum of Rs.10,000/- (Rupees ten thousand only) before the jurisdictional Tahsildar concerned as non-refundable deposit. After receipt of the above said amount, the same will have to be deposited by the jurisdictional Tahsildar concerned, to the credit of the District Mines and Minerals Foundation Trust as non-refundable deposit.

(ii) The petitioner shall execute a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the concerned jurisdictional Judicial Magistrate.

(iii) The petitioner shall give an undertaking before the respondent/authority concerned stating that he will not use the vehicle in question for any illegal activities in future and shall produce the same as and when required by the respondent and also the trial Court, failing which the respondent/trial Court is at liberty to confiscate the vehicle.

(iv) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned.

(v) The petitioner is also directed to participate in the enquiry to be conducted by the respondent.

7. With the above observations and directions, this Writ Petition is disposed of. No Costs.

Sd/--

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

cs/srn
To

The Tahsildar,
Perur,
Coimbatore District

+1cc to Mr.M.N.Balakrishnan,Advocate SR.No. 13016
+1 CC TO GOVERNMENT PLEADER SR.NO. 13461

W.P.No.2657 of 2019

A.SK(15/02/2019)



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