

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2019

CORAM

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

Writ Petition No.4856 of 2019

Gunasekaran
S/o.Govinthasamy

...Petitioner

Vs

1.The Sub Collector,
Thiruvallur Taluk,
Thiruvallur District.

2.The Thasildhar,
Utthukottai Taluk,
Thiruvallur District.

3.The Inspector of Police,
Meyaiur Village,
Utthukottai Taluk,
Thiruvallur District.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to release my vehicle bearing Registration No.TN-20-AC-8832 with Chassis No.324463DR2915124 and with Engine No.497SP28DR2612413 within a stipulated period which is in the custody of the third respondent.

For Petitioner : Mr.S.Raja Ravi Varma

For Respondents : Mr.D.Raghu
Government Advocate

ORDER

[Order was delivered by **R.SUBBIAH,J**]

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus, directing the respondents to release the petitioner's vehicle bearing Registration No.TN-20-AC-8832 with Chassis No.324463DR2915124 and with Engine No.497SP28DR2612413, which is in the custody of third respondent.

2. Heard learned counsel for the petitioner and learned Government Advocate for the respondents.

3. According to the petitioner, the respondents have seized the vehicle in question on 11.08.2018 on the ground of illegal carrying of sand and till date, no order for release of the said vehicle had been passed by the respondents. Hence, he has come forward with the present Writ Petition.

4. On the other hand, it is submitted by learned Government Advocate for the respondents that the vehicle in question was used for illegal transportation of mines and minerals like sand 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 respondents 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. It is represented that the petitioner has already paid the fine amount of Rs.50,000/- (Rupees Fifty Thousand only)

6. Accordingly, the respondents are 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 (ii):

- (i) 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.
- (ii) The petitioner shall give an undertaking before the respondents/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 respondents and also the trial Court, failing which the respondents/trial Court is/are at liberty to confiscate the vehicle.
- (iii) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned.
- (iv) The petitioner is also directed to participate in the enquiry to be conducted by the respondents.

R.SUBBIAH, J
AND
KRISHNAN RAMASAMY, J
 gm

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

[R.P.S., J] [K.R., J]
 27.02.2019

Note to office:
Issue order copy by 01.03.2019

Speaking (or) Non Speaking Order

Index : Yes/ No
 Internet : Yes
 gm

To

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 Thiruvallur District.

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