

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

and

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.4635 of 2019

G.Malarkodi

.. Petitioner

Vs.

The Revenue Divisional Officer,
Erode, Erode District.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent to release the Tipper Lorry bearing Registration No.TN-30-AC-3726 (Chasis No.MNE647209, Engine No.MNH523383) seized by the Deputy Director, Mines and Minerals, Erode on 31.01.2019 to the petitioner.

For petitioner : Mr.C.Prakasam

For respondent : Mr.J.Pothiraj, Spl.G.P.

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 to direct the respondent to release the Tipper Lorry bearing Registration No.TN-30-AC-3726 (Chasis No.MNE647209, Engine No.MNH523383) seized by the Deputy Director, Mines and Minerals, Erode on 31.01.2019 to the petitioner.

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 31.01.2019 on the ground of illegal mining of 'Kolamaavu' and till date, no order for release of the said vehicle had been passed by the respondent. Hence, she 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 'Kolamaavu' and there was no valid permit 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 its 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 she 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 respondents/trial Court is/are 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(s).

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

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate,Erode, Erode District.

2.The Revenue Divisional Officer,
Erode, Erode District.

+1cc to Mr.C.Prakasam , Advocate SR.No. 16733

+1 CC TO GOVERNMENT PLEADER SR.NO. 16971

W.P.No.4635 of 2019

A.SK(25/02/2019)