

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2019

CORAM

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

W.P.No.4902 of 2019
and
W.M.P.No.5588 of 2019

Anitha Ravichandran
Shree Constructions,
5 B, Balavinayagar Nagar,
1st Main Road, Arumbakkam,
Chennai - 600 106.

... Petitioner

...vs...

1.The District Collector,
Chengalpattu District,
Chengalpattu.

2.The Revenue Divisional Officer,
Chengalpattu.

3.The Tahsildar,
Thiruporur Taluk,
Thiruporur,
Chengalpattu District.

4.Assistant Engineer,
Water Resources Organization,
Public Works Department,
Gurupuram Depot,
Araniyar, Gurupuram,
Uthukottai, Thiruvallur.

5.Assistant Director of Geology and Mining,
Department of Geology and Mining,
Collectorate, Chengalpattu.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 2 and 3 to release the Mini Truck bearing registration No.TN-02-BK-9496 along with the 60 Cu ft sand under the custody of third respondent.

For Petitioner :Mr.V.Prakash, Senior Counsel
for Mr.D.Sivaraam

For Respondents:Mr.D.Raghu
Government Advocate

O R D E R

[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 respondents 2 and 3 to release the petitioner's Mini Truck bearing registration No.TN-02-BK-9496, which is in the custody of the third respondent.

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

3. According to the petitioner, they are having valid permit and they have transported sand in the vehicle in question only to their own site for the purpose of construction. The respondents have seized the vehicle in question on 10.10.2018 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.

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 (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 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.
- (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 respondents.

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

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gm

To

1.The District Collector,
Chengalpattu District,
Chengalpattu.

2.The Revenue Divisional Officer,
Chengalpattu.

3.The Tahsildar,
Thiruporur Taluk,
Thiruporur,
Chengalpattu District.

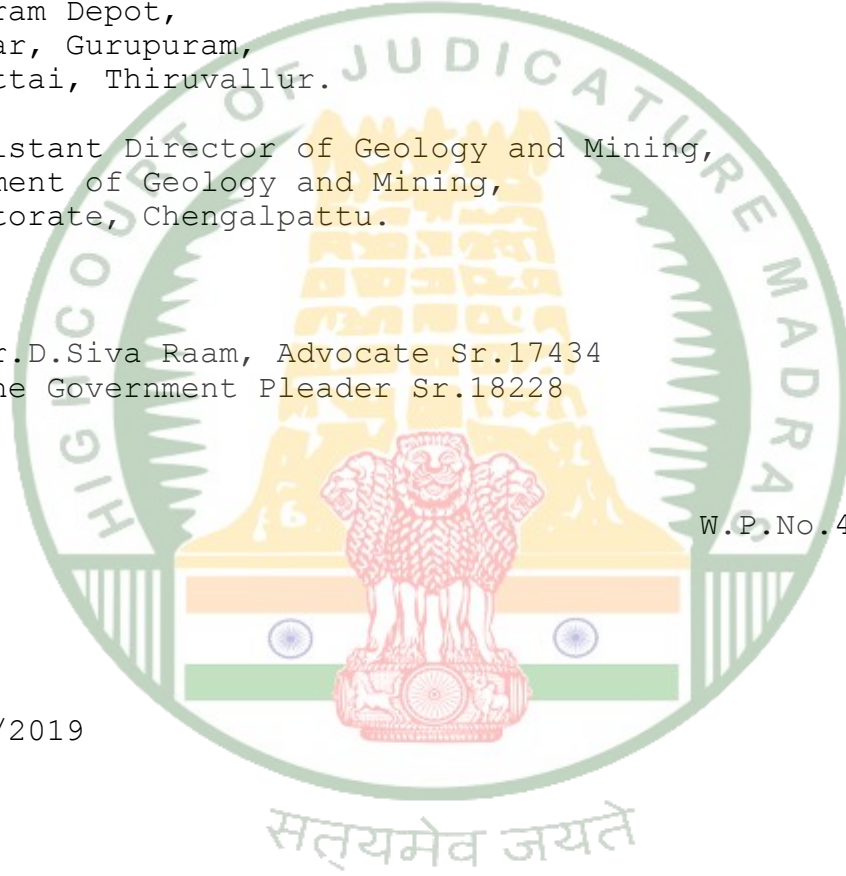
4.The Assistant Engineer,
Water Resources Organization,
Public Works Department,
Gurupuram Depot,
Araniyar, Gurupuram,
Uthukottai, Thiruvallur.

5.The Assistant Director of Geology and Mining,
Department of Geology and Mining,
Collectorate, Chengalpattu.

+2cc to Mr.D.Siva Raam, Advocate Sr.17434
+1cc to the Government Pleader Sr.18228

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pvs[col]
srg 11/03/2019



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