

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2019

CORAM

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

W.P.No.5049 of 2019

Elangeswaran
S/o Mahadevan

...Petitioner

-vs-

1. The Revenue Divisional Officer
Cuddalore
Cuddalore District

2. The Tahsildar
Panruti Taluk
Panruti, Cuddalore

3. The Revenue Inspector
Geology and Mining Department
Cuddalore, Cuddalore District

...Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Mandamus, directing the
respondents to release the Tipper lorry bearing Reg.No.TN 21 K
1449 seized on 20.08.2018 keeping under the custody of second
respondent.

For Petitioner :: Mr.K.T.S.Sivakumar

For Respondents :: Mr.J.Pothiraj
Special Government Pleader

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ORDER

(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 to
release the Tipper lorry bearing Reg.No.TN 21 K 1449 seized on
20.08.2018, which is kept under the custody of second respondent.

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

3. According to the petitioner, the respondents have seized the vehicle in question on 20.8.2018 on the ground of not possessing valid permit 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 the learned Special Government Pleader appearing for the respondents that the vehicle in question was used for illegal transportation of sand (savudu) 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 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 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 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 respondent(s)/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.

7. With the above observations and directions, this writ petition is disposed of. No costs.

ss

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Revenue Divisional Officer
Cuddalore
Cuddalore District
2. The Tahsildar
Panruti Taluk
Panruti, Cuddalore
3. The Revenue Inspector
Geology and Mining Department
Cuddalore, Cuddalore District

+1cc to Mr.K.T.S.Sivakumar, Advocate, S.R.No.17284

+1cc to the Government Pleader, S.R.No.17614

W.P.No.5049 of 2019

kak (27/02/2019)

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