

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2019

CORAM

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

Writ Petition No.5227 of 2019

Latha
W/o.Baskar

...Petitioner

Vs

- 1.The District Collector,
Thriuvallur District,
Thiruvallur.
- 2.The Revenue Divisional Officer,
Thiruvallur District,
Thiruvallur.
- 3.The Thasildar,
Thiruvallur District,
Thiruvallur.
- 4.The Inspector of Police,
Vengal Police Station,
Thiruvallur District.
(*)Crime No.39/2019

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing respondents 1 and 2 to release the JCB bearing registration No.TN-12-M-9208, Engine No.H00111630, Chassis No.HAR3DXSSV01893738 to the petitioner which was seized by the fourth respondent on 24.01.2019 pursuant to the representation dated 15.02.2019.

For Petitioner : Mr.T.Muruganantham

For Respondents: Mr.D.Raghu
Government Advocate

O R D E R

[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 1 and 2 to release the petitioner's JCB bearing registration No.TN-12-M-9208, Engine No.H00111630, Chassis No.HAR3DXSSV01893738, which was seized by the fourth 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 24.01.2019 on the ground of illegal carrying of river 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 river 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 vehicles 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.50,000/- (Rupees Fifty 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 vehicles 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 vehicles.

- (iv) The petitioner shall not alienate the vehicles 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.

s/d-
Assistant Registrar(CS-I)
Dated:04.03.2019

**(*)Amended as per order
dated 28.03.2019 made in
W.M.P.No.9885/2019 in
W.P.No.5227/2019**

s/d-
**Assistant Registrar(CS-IV)
Dated:01.04.2019**

/True Copy/

Sub-Assistant Registrar

gm

To

1. The District Collector,
Thriuvallur District,
Thiruvallur.
2. The Revenue Divisional Officer,
Thiruvallur District,
Thiruvallur.
3. The Thasildar,
Thiruvallur District,
Thiruvallur.
4. The Inspector of Police,
Vengal Police Station,
Thiruvallur District.

**To be substituted to the
order copy already
despatched on 06/03/2019.**

+1cc to Mr.T.Muruganantham, Advocate Sr.18738

+1cc to the Government Pleader Sr.19339

+1cc to Mr.T.Muruganantham, Advocate Sr.29915

Writ Petition No.5227 of 2019

ev[col]

srg 05/03/2019

ssm(01/04/2019) .