

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2019

CORAM:

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

W.P.No.6473 of 2019

Moorthy

...Petitioner

Versus

1.The Revenue Divisional Officer,
Tiruvannamalai Taluk,
Tiruvannamalai District.

2.The Assistant Director,
Geology and Mining,
Collectorate,
Tiruvannamalai District.

3.The State Rep. by
Sub-Inspector of Police,
Vanapuram Police Station,
Tiruvannamalai District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents herein to release the petitioner's Ashok Leyland Multi Axle Goods Tipper Lorry bearing its Registration Number TN 20 AM 4848, Chassis Number TPE636854 and Engine Number TPE441728 which is a goods carrying lorry in accordance with law.

For Petitioner : Mr.S.Panneer Selvam

For Respondents : Mr.D.Raghu,
Government Advocate

O R D E R

(Order of the Court 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 Ashok Leyland Multi Axle Goods Tipper Lorry bearing its Registration Number TN 20 AM 4848, Chassis Number TPE636854 and Engine Number TPE441728.

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

3. According to the petitioner, the second respondent had seized the vehicle in question on 21.06.2018 on the ground of illegal carrying of Morambu and handed over the same under the custody of the third respondent 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 Morambu 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 third 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 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. However, there shall be no order as to costs.

gm/mrr

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Tiruvannamalai Taluk,
Tiruvannamalai District.

2. The Assistant Director,
Geology and Mining,
Collectorate,
Tiruvannamalai District.

3. The Sub-Inspector of Police,
Vanapuram Police Station,
Tiruvannamalai District.

+1cc to Mr.S.Panner Selvam, Advocate, S.R.No.21900
+1cc to the Government Pleader, S.R.No.22603

W.P.No.6473 of 2019

Kak (15/03/2019)