

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2019

CORAM

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

Writ Petition No.5537 of 2019

Sudhakar
S/o.Muthusamy

...Petitioner

Vs

The Inspector of Police,
Minjur Police Station,
Tiruvallur District.
Cr.No.96 of 2019

...Respondent

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to release the lorries bearing Registration Nos. (i) TN-18-AP-3164 (ii) TN-18-AS-8300 and (iii) TN-18-AS-8213, seized on 16.02.2019 keeping under the custody of respondent.

For Petitioner : Mr.P.S.Amalraj

For Respondent : Mr.J.Pothiraj
Special Government Pleader

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 respondent to release the petitioner's Lorries bearing Registration Nos.(i) TN-18-AP-3164 (ii) TN-18-AS-8300 and (iii) TN-18-AS-8213

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

3. According to the petitioner, the respondent has seized the vehicles in question on 16.02.2019 on the ground of illegal carrying of sea sand and till date, no order for release of the said vehicles had been passed by the respondent. Hence, he has

come forward with the present Writ Petition.

4. On the other hand, it is submitted by learned Special Government Pleader for the respondent that the vehicles in question were used for illegal transportation of mines and minerals like sea sand and hence, the vehicles were seized. He further submitted that the petitioner has no previous case.

5. In any event, as the vehicles are 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 their value, this Court is of the view that the vehicles in question may be released by imposing conditions on the petitioner.

6. Accordingly, the respondent is 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.25,000/- (Rupees Twenty Five 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 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 respondent/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 respondent.

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

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

dpq

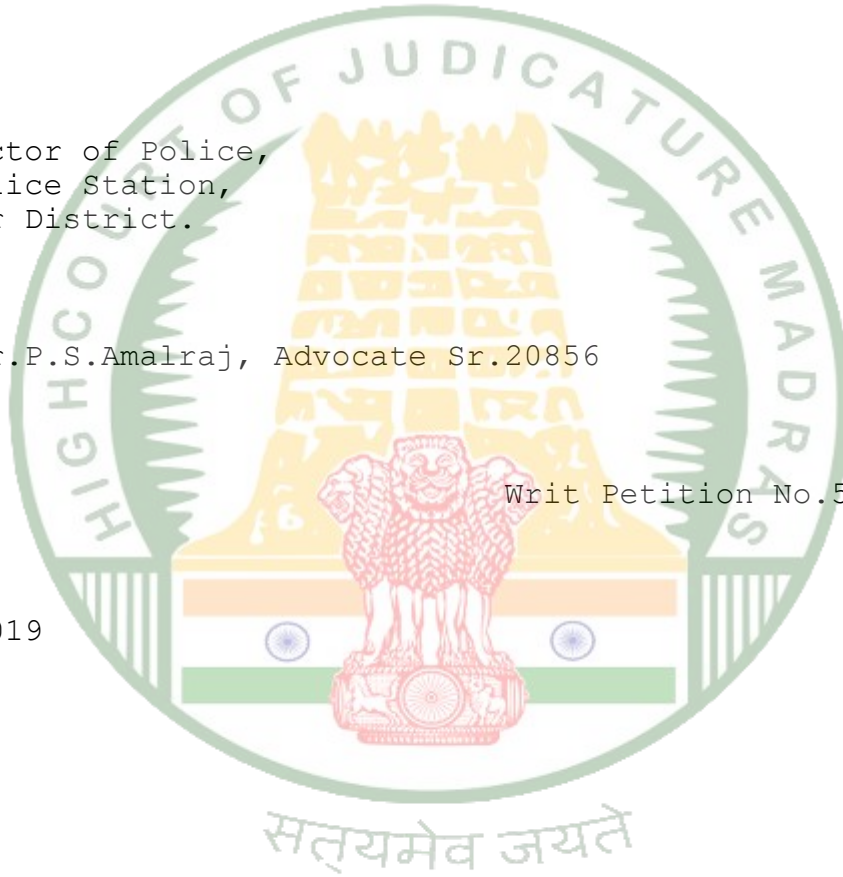
To

The Inspector of Police,
Minjur Police Station,
Tiruvallur District.

+1cc to Mr.P.S.Amalraj, Advocate Sr.20856

Writ Petition No.5537 of 2019

srg 8/3/2019



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