

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2019

CORAM:

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

W.P.No.5636 of 2019

G.K.Stones India (P) Ltd.,
Rep. by its Proprietor
G.K.Vikramkrishna Reddy,
S/o Guruppa Krishna Reddy,
20/41, Murali Street,
Mahalingapuram,
Nungambakkam, Chennai-600 034.

.. Petitioner

Vs.

1. The Revenue Divisional Officer,
Tiruvallur.
2. The Assistant Director
of Geology and Mining,
Tiruvallur.
3. The Inspector of Police,
T-2 Ambattur Estate Police Station,
Ambattur, Chennai-56.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents herein to release the Lorry bearing Registration No.TN-01-AY-5745 forthwith by accepting the provisional fine.

For petitioner : Mr.K.R.Krishnan

For respondents : Mr.J.Pothiraj, Spl.G.P.

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ORDER

(The 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 to direct the respondents herein to release the Lorry bearing Registration No.TN-01-AY-5745 forthwith by accepting the provisional fine.

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 18.07.2018 on the ground of illegal mining of granite and till date, no order for release of the said vehicle had been passed by the respondents. Hence, the petitioner-Company 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 mines and minerals like granite, 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-Company, represented by its Proprietor, within a period of 7 days from the date of compliance of the below mentioned condition Nos.(i) to (iii) :

(i) The petitioner-Company, represented by its Proprietor, 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-Company, represented by its Proprietor, 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-Company, represented by its Proprietor, shall give an undertaking before the respondents/authority concerned stating that they 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-Company, represented by its Proprietor, shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned.

(v) The petitioner-Company, represented by its Proprietor, 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.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm/cs

To

1. The Revenue Divisional Officer, Tiruvallur.
2. The Assistant Director of Geology and Mining, Tiruvallur.
3. The Inspector of Police,
T-2 Ambattur Estate Police Station,
Ambattur, Chennai-56.

+1cc to Mr.K.R.Krishnan, Advocate, S.R.No.18331

+1cc to the Government Pleader, S.R.No.19325

सत्यमेव जयते

W.P.No.5636 of 2019

EV(CO)

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