

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 07.03.2019
Coram

The Hon'ble Mr. Justice R. Subbiah
and
The Hon'ble Mr. Justice Krishnan Ramasamy

Writ Petition No. 6223 of 2019

Manikandan

...Petitioner

Vs.

1. The District Collector,
Villupuram, Villupuram District.

2. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Villupuram, Villupuram District.

3. The Thasildar,
Villupuram, Villupuram District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for records of the intimation Note in Na.Ka.No.A4/4979, dated 21.02.2019 issued by the second respondent herein and to quash the same as illegal and consequently, to direct the second respondent to release the petitioner's tipper lorry, bearing Registration No. TN 31 F 7992.

For Petitioner : Mr. G. Anbuchezeian

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

सत्यमेव जयते

O R D E R

[Order was delivered by R. SUBBIAH, J]

The petitioner has filed this Writ Petition seeking to quash the intimation Note dated 21.02.2019 issued by the second respondent herein and consequently, to direct the second respondent to release the petitioner's tipper lorry, bearing Registration No. TN 31 F 7992.

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

3. The learned counsel appearing for the petitioner submitted that the respondents have seized the vehicle in question six months before, i.e. on 25.09.2018, on the ground of illegal carrying of sand and the second respondent passed an impugned order, wherein, it is stated that, as per order passed by the Hon'ble Madurai Bench of this Court, vide W.P.(MD)Nos.19936 of 2017, dated 29.10.2018, vehicles can ordered to be released only after obtaining orders from this Court and the second respondent cannot pass any order for release of the vehicle and the only remedy available to the petitioner is to approach this Court and seek necessary relief. Hence, the petitioner has come forward with the present Writ Petition seeking for the aforesaid relief. The learned counsel further submitted that though the petitioner has sought for a larger relief, it would be suffice, if the Writ Petition is disposed of, by directing the respondents to release the vehicle subject to certain conditions, as that has been imposed by this Court in identical matters (i.e., pertaining to release of lorry). It is his further submission that the petitioner has already paid a sum of Rs.25,000/- and the payment made by the petitioner vide chellan, dated 09.10.2018 has been annexed at page No.5 of the typed set of papers filed in support of this Writ Petition. Hence, the learned counsel prays for appropriate orders.

4. The learned Special Government Pleader for the respondents submitted that the vehicle in question was used for illegal transportation of mines and minerals like river sand and there is no valid permit and hence, the vehicle was seized. He further submitted that the petitioner has no previous case.

5. It is seen that the second respondent has not adjudicated the claim of the petitioner on merits, instead stated in the impugned order that the petitioner has to approach this Court with Writ Petition seeking necessary relief. Therefore, the validity or otherwise of the impugned order need not be gone into in this Writ Petition. Thus, in view of the submission made by the learned counsel appearing for the petitioner, and taking into consideration of the fact that the vehicle is under the custody of the respondents from the date of seizure and that if the same is allowed to be kept idle by exposing the same to rain and sun, it would certainly diminish their value, this Court is of the view that the vehicle in question may be released by imposing certain 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 condition Nos.(i) to (iii), which are mentioned below:-

- (i) Since it is stated by the learned counsel appearing for the petitioner that the petitioner has already paid the fine amount of Rs.25,000/-, 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 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. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Villupuram, Villupuram District.

2. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Villupuram, Villupuram District.

3. The Thasildar,
Villupuram, Villupuram District.

+1cc to Mr. G.Anbuchezeian, Advocate SR.No. 21134

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A.SK(14/03/2019)



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