

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2019

CORAM:

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

W.P.No.6905 of 2019

Scals Enterprises
rep. by its Proprietor Mr.Arivazhagan,
S/o R.Thanikachalam,
No.277/9, G.N.T.Road,
Thangalkazhani,
Red Hills, Chennai-52. ... Petitioner

Vs.

1. The Thasildar,
Gummidipoondi Taluk,
Thiruvallur District.
2. The Asst. Director of Mines & Minerals,
Thiruvallur District, Thiruvallur.
3. The Inspector of Police,
Pathirivedu Police Station,
Gummidipoondi Taluk,
Thiruvallur District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the third respondent to release the petitioner's vehicle bearing Registration No.TN-18-AD-9052 Ashok Leyland Multi Axle goods vehicle, kept under the custody of the third respondent pending investigation in Crime No.51/2019, dated 10.02.2019.

WEB COPY

For petitioner : Mr.V.Balu

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

ORDER

(The Order of the Court was made by R.Subbiah,J)

The petitioner-Company has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the third respondent to release the petitioner's vehicle bearing Registration No.TN-18-AD-9052 Ashok Leyland Multi Axle goods vehicle, kept under the custody of the third respondent pending investigation in Crime No.51/2019, dated 10.02.2019.

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

3. According to the petitioner-Company, the respondents have seized the vehicle in question on the ground of illegal mining 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 river sand 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 within a period of 7 days from the date of compliance of the below mentioned condition Nos.(i) to (iii) :

(i) The petitioner-Company 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-Company 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 shall give an undertaking before the respondent(s)/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 shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned.

(v) The petitioner-Company 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(CS IV)

//True Copy//

Sub Assistant Registrar

CS
To

1. The Thasildar,
Gummidipoondi Taluk,
Thiruvallur District.
2. The Asst. Director of Mines & Minerals,
Thiruvallur District, Thiruvallur.
3. The Inspector of Police,
Pathirivedu Police Station,
Gummidipoondi Taluk,
Thiruvallur District.

+1cc to the Government Pleader Sr.23134
+1cc to Mr.V.Balu, Advocate Sr.22315

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srg 15/03/2019