

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.6423 of 2019

D.Sathiamoorthi

.. Petitioner

Vs.

1. The District Collector,
Dharmapuri District,
Dharmapuri.

2. The Assistant Director,
Geology and Mines,
Dharmapuri District,
Dharmapuri.

3. The Inspector of Police,
Pennagaram Police Station,
Pennagaram,
Dharmapuri District.
(Crime No.73 of 2018)

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to release the vehicles of the petitioner with Registration No.KA-01-ML-8488, JCB and Registration No.TN-73-A-4803, Tractor forthwith.

For petitioner : Mr.M.R.Jothimanian

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

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 to release the vehicles of the petitioner with Registration No.KA-01-ML-8488, JCB and Registration No.TN-73-A-4803, Tractor forthwith.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent(s).

3. According to the petitioner, the respondents have seized the vehicles in question on 08.03.2018 on the ground of illegal mining and till date, no order for release of the said vehicles 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 the learned Special Government Pleader appearing for the respondents that the vehicles in question were used for illegal transportation of mines and minerals like soil and there was no valid permit and hence the vehicles were seized. He further submitted that the petitioner has one previous case.

5. In any event, as the vehicles are under the custody of the respondents from the date of seizure and considering the fact that if the same are 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 respondents are 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 totally 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 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 respondents/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 respondents.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The Assistant Director,
Geology and Mines,
Dharmapuri District,
Dharmapuri.
3. The Inspector of Police,
Pennagaram Police Station,
Pennagaram,
Dharmapuri District.
(Crime No.73 of 2018)
- 4.The Judicial Magistrate,
Dharmapuri.

+1cc to Mr.M.R.Jothimanian, Advocate sr.no.22790
+1cc to Government Pleader sr.no.23221

nr 14/03/2019

W.P.No.6423 of 2019

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