

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2019

CORAM:

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

W.P.No.6987 of 2019

Suresh

.. Petitioner

Vs.

1. The Government of Tamil Nadu,  
rep. by its Secretary,  
Non Ferrous Mining and  
Metallurgical Industries,  
Ezhilagam, Chennai-600 005.
2. The District Collector, Ariyalur District.
3. The Revenue Divisional Officer,  
Revenue Divisional Office,  
Udayarpalayam,  
Ariyalur District.
4. The Sub-Inspector of Police,  
Sendurai Police Station,  
Ariyalur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents, particularly, the Revenue Divisional Officer, Udayarpalayam, Ariyalur District and the Sub-Inspector of Police, Sendurai Police Station, Ariyalur District, the third and fourth respondents, to release the petitioner's Taraus Lorries bearing Registration Nos.TN-34-E-1797 and TN-33-AW-1859 forthwith, the same were seized on 14.10.2018 by the fourth respondent for the alleged transportation of sand in the above lorries, forthwith.

For petitioner : Mr.K.Balakrishnan

For respondents : Mr.D.Raghu, Govt. Advocate

## 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, particularly, the Revenue Divisional Officer, Udaiyarpalayam, Ariyalur District and the Sub-Inspector of Police, Sendurai Police Station, Ariyalur District, the third and fourth respondents, to release the petitioner's Taraus Lorries bearing Registration Nos.TN-34-E-1797 and TN-33-AW-1859 forthwith, the same were seized on 14.10.2018 by the fourth respondent for the alleged transportation of sand in the above lorries, forthwith.

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

3. According to the petitioner, the respondents have seized the vehicles in question on 14.10.2018 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 Government Advocate appearing for the respondents that the vehicles in question were used for illegal transportation of mines and minerals like sand and there was no valid permit and hence the vehicles were seized. He further submitted that the petitioner has no previous cases.

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 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 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 deposit a sum of Rs.50,000/- (Rupees fifty thousand only) each, in respect of the above two vehicles, before the jurisdictional Tahsildar concerned as non-refundable deposit. After receipt of the above said amounts, 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 vehicle.

(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(CO)

//True Copy//

Sub Assistant Registrar

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To

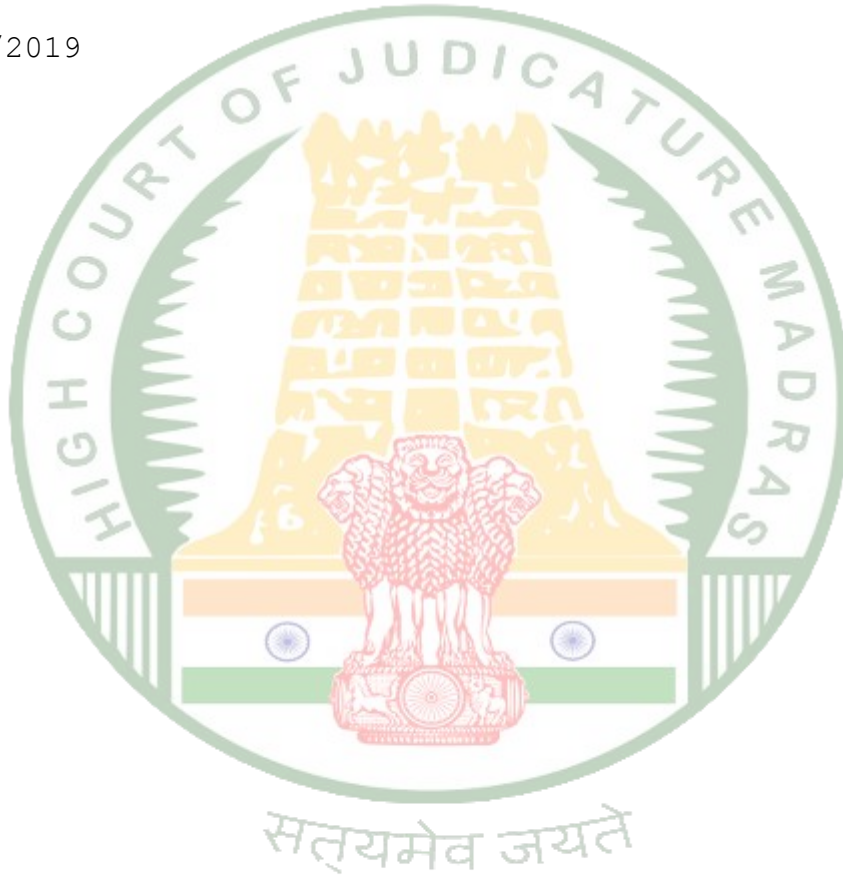
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4. The Sub-Inspector of Police,  
Sendurai Police Station,  
Ariyalur District.

+1cc to M/s.K.Balakrishnan, Advocate Sr.23699  
+1cc to the Government Pleader Sr.24768

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