

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.03.2019

Coram:

The Honourable Mr. Justice R.SUBBIAH
and
The Honourable Mr. Justice KRISHNAN RAMASAMY

W.P.No.6785 of 2019

S.Naina Mohamed

...Petitioner

Versus

The Sub-Inspector of Police,
Muthupettai Police Station,
Thiruthuraipoondi Taluk,
Thiruvarur District.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondent to release the **(*)Tipper Lorry bearing Registration No.TN.45X 0939 and also to include the FIR in Crime No.241 of 2018** by the respondent on 04.07.2018 based on the representation of the petitioner dated 08.07.2018 to the petitioner.

For Petitioner : Mr.V.Kasinatha Bharathi

For Respondent : Mr.D.Raghu,
Government Advocate

सत्यमेव जयते
O R D E R

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

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus, directing the respondent to release the petitioner's **(*) Tipper Lorry bearing Registration No.TN.45X 0939 and also to include the FIR in Crime No.241 of 2018**

2. Heard learned counsel for the petitioner and learned Government Advocate for the respondent.

3. According to the petitioner, the respondent had seized the vehicle in question on 04.07.2018 on the ground of illegal

carrying of sand and till date, no order for release of the said vehicle had been passed by the respondent. Hence, he has come forward with the present Writ Petition.

4. On the other hand, it is submitted by learned Government Advocate for the respondent that the vehicle in question was used for illegal transportation of mines and minerals like 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 respondent 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 sun, it would certainly diminish their value, this Court is of the view that the vehicle in question may be released by imposing conditions on the petitioner.

6. Accordingly, the respondent is directed to release the vehicle 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) 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 respondent/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 respondent and also the trial Court, failing which the respondent/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 respondent.

With the above observations and directions, this Writ Petition is disposed of. However, there shall be no order as to costs.

s/d-
Assistant Registrar (CS-VIII)
Dated:18.03.2019

**(*) Prayer amended Order
dated 30.04.2019 and
made in WMP No.12465/19 in
W.P.No.6785/2019 by RPSJ & KRJ**

s/d-
Assistant Registrar (CS-VI)
Dated:03.05.2019

/True Copy/

Sub-Assistant Registrar

To

The Sub-Inspector of Police,
Muthupettai Police Station,
Thiruthuraipoondi Taluk,
Thiruvarur District.

To be Substituted to the
order already despatched
on 19.03.2019

+1cc to Mr.Ln.V.Kasinatha Bharathi, Advocate **sr.42786**

+1cc to Government Pleader sr.no.23655

W.P.No.6785 of 2019

nr 18/03/2019
SSM(06/05/2019) .

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