

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

Writ Petition No.6909 of 2019

V.Ganesan

...Petitioner

Vs

1. The Sub Collector/Revenue Divisional Officer,
Office of Sub Collector,
Virudhachalam,
Cuddalore District.
 2. The Tahsildar,
Virudhachalam Taluk,
Cuddalore District.
 3. The Inspector of Police,
Veppur Police Station
Cuddalore District.
- Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus to direct the first respondent to release the Vehicle namely Tipper Lorry bearing Registration No.10 F 9888.

For Petitioner : Mr.M.Santhanaraman
For Respondents: Mr.D.Raghu,
Government Advocate

O R D E R

[Order was delivered by R.SUBBIAH,J]

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus, directing the first respondent to release the petitioner's vehicle namely Tipper Lorry bearing No.10 F 9888.

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

3. According to the petitioner, the respondents have seized the vehicle in question on 27.09.2018 on the ground of illegal carrying of M.Sand and till date, no order for release of the said vehicle had been passed by the respondents. He further submitted that the petitioner transported M-sand with valid permit only. Hence, he has come forward with the present Writ Petition.

4. On the other hand, the learned Government Advocate for the respondents denied the submission made by the learned counsel for the petitioner. According to him, the vehicle in question was used for illegal transportation of mines and minerals like M-sand without any 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 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 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 below mentioned condition Nos.(i) to (iii):

- (i) The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten 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.
- (i) 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.
- (ii) 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.

(iii) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned.

(iv) The petitioner is also directed to participate in the

enquiry to be conducted by the respondents.

It is open to the petitioner to contest the case before the concerned authority to prove that the vehicle was plied with valid permit at the time of detention. With the above observations and directions, this Writ Petition is disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

Dpq

To

1. The Sub Collector/Revenue Divisional Officer,
Office of Sub Collector,
Virudhachalam,
Cuddalore District.
2. The Tahsildar,
Virudhachalam Taluk,
Cuddalore District.
3. The Inspector of Police,
Veppur Police Staion
Cuddalore District.

+1cc to Mr.M.Santhana Raman, Advocate, S.R.No. 23317
+1cc to the Government Pleader, S.R.No. 23631

Writ Petition No.6909 of 2019

RJ(CO)
GN(18/03/2019)

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