

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2019

CORAM

THE HON'BLE MR.JUSTICE R.SUBBIAH
AND
THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

WRIT PETITION NO.7571 OF 2019

Palaniammal

...Petitioner

Vs.

State represented By
The Inspector of Police,
Koovathur Police Station,
Kancheepuram District.

...Respondent

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondent to release the petitioner's vehicle L & T KOMATSU PC 200-6 HYDRAULIC EXCAVATOR POWERED BOKLINE bearing registration No. NL-02-D-6468 following the guidelines issued by the Hon'ble Division Bench of this High Court.

For Petitioner : Mr.G.B.Motcham

For Respondent : Mr.J.Pothiraj,
Special Government Pleader.

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 respondent to release the petitioner's vehicle L & T KOMATSU PC 200-6 HYDRAULIC EXCAVATOR POWERED BOKLINE bearing registration No. NL-02-D-6468.

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

3. According to the petitioner, the respondent has seized the vehicle in question on 19.10.2018 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 Special Government Pleader for the respondent that the vehicle in question was used for illegal transportation of mines and minerals like sand and there is 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 certain 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 condition Nos.(i) to (iii), which are mentioned below:

- (i)The petitioner shall 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 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. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vkr/ebsi

To

The Inspector of Police,
Koovathur Police Station,
Kancheepuram District.

Copy To

1. The Tahsildar,
Kancheepuram District
2. The Judicial Magistrate,
Kancheepuram.

+1cc to Mr.G.B.Motcham, Advocate, S.R.No.27608
+1cc to the Government Pleader, S.R.No.28539

Writ Petition No.7571 of 2019

RSK(CO)
CS/29/03/2019