IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.03.2019

Coram

The Hon'ble Mr.Justice R.Subbiah
and
The Hon'ble Mr.Justice Krishnan Ramasamy

Writ Petition No.8852 of 2019

S.Kothandapani ...Petitioner

Vs.

1. The Revenue Divisional Officer,
Tindivanam,
Villupuram District.

2. The Inspector of Police,
Mailam Police Station,
Villupuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to release the Bullock cart which was seized by the 2nd respondent on 22.01.2019 and thereby consider the representation dated 23.01.2019.

For Petitioner : Mr.Tamilselvan.G

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 respondents to release the Bullock cart which was seized by the 2nd respondent on 22.01.2019 and thereby consider the representation dated 23.01.2019.

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 22.01.2019 on the ground of illegal

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carrying of river sand, and till date, no order for release of the said vehicle 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 learned Government Advocate for the respondents that the vehicle in question was used for illegal transportation of river sand 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 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 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 condition Nos.(i) to (iii), which are mentioned below:

(i) The petitioner shall deposit a sum of Rs.2,000/- (Rupees Two 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 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.

(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 respondents.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
   Tindivanam,
   Villupuram District.

2. The Inspector of Police,
   Mailam Police Station,
   Villupuram District.

+1cc to Mr.Tamilselvan.G, Advocate sr.no.27868
+1cc to Government Pleader sr.no.29197

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