

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2019

CORAM

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

Writ Petition No.9529 of 2019

K.Dhanasekar
S/o.Kandasamy

...Petitioner

Vs

1.The Revenue Division Officer,
Office of the Revenue Divisional Officer,
V.O.C. Nagar, Chengalpattu,
Kancheepuram District.

2.The Tahsildar,
Thiruporur Taluk Office,
Thiruporur,
Kancheepuram District.

3.The Inspector of Police,
Thalampur Police Station,
Kancheepuram District.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus, directing the 3rd respondent herein to release the lorry (vehicle) bearing Regn No: TN.29.AY.9046 which was seized by the 3rd respondent herein on 19.03.2019 to the petitioner, forthwith based on the petitioner's representation dated 20.03.2019.

For Petitioner : Mr.A.Anusha

For Respondents: 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 3rd respondent herein to release the lorry (vehicle) bearing Regn No:

TN.29.AY.9046 which was seized by the 3rd respondent herein on 19.03.2019 to the petitioner, forthwith based on the petitioner's representation dated 20.03.2019.

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

3. According to the petitioner, the respondents have seized the vehicle in question on 19.03.2019 on the ground of illegal carrying of Clay 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 Special Government Pleader for the respondents that the vehicle in question was used for illegal transportation of mines and minerals like Clay Sand and hence, the vehicle was seized. He would further submit 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.
- (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.

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

Gm/rst

08/04/2019

BEING MENTIONED

This Petition having been posted on this day "For Being Mentioned". In pursuance of the order of this Court dated 24/04/2019 and made herein in the presence of the above said Advocate this Court, made the following order.

Today, the matter is listed under the caption 'for being mentioned' at the instance of learned counsel for petitioner.

2. Learned counsel for petitioner submits that this Court, under orders dated 08.04.2019, directed release of the subject vehicle on certain conditions. One of the condition was to deposit a sum of Rs.10,000/- before the jurisdictional Tahsildar concerned as non-refundable deposit. Learned counsel submits that in the order copy, though the amount has been correctly mentioned in numeric, in words, it has been wrongly typed as 'Rupees Fifty Thousand only' instead of 'Rupees Ten Thousand only'

3. Considering the submissions made, this Court directs the Registry to replace the words 'Rupees Fifty Thousand only' with the words 'Rupees Ten Thousand only' in paragraph 6(i) of the order dated 08.04.2019. In all other aspects, the earlier order shall remain unaltered. सत्यमेव जयते

Registry is directed to carry out necessary corrections in the order dated 08.04.2019 and issue fresh order copy.

Gm

24/04/2019

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

gm/rst

To

1.The Revenue Division Officer,
Office of the Revenue Divisional Officer,
V.O.C. Nagar, Chengalpattu,
Kancheepuram District.

To be substituted
the order already
despatched
On 23/4/2019

2.The Tahsildar,
Thiruporur Taluk Office,
Thiruporur,

Kancheepuram District.

3.The Inspector of Police,
Thalampur Police Station,
Kancheepuram District.

+1cc to Mr.A.Anusha, Advocate SR.No.33798

+1cc to Government Pleader SR.No.34826

+1cc to M/S.Star Associates, Advocate SR.39644

PMS (CO)
GMY (15/04/2019)
srg 27/04/2019

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सत्यमेव जयते

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