

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2019

CORAM

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

Writ Petition No.9398 of 2019

K.Chandrasekar
S/o.Krishnasamy

...Petitioner

Vs

1.The District Collector,
Office of District Collectorate,
Kancheepuram,
Kancheepuram District.

2.The Assistant Director,
Tamil Nadu Mines and Minerals,
Geology Department,
Kancheepuram,
Kancheepuram District.

3.The Tahsildar,
Kancheepuram,
Kancheepuram District.

4.The State represented by
Sub-Inspector of Police,
Sunguvarchatram 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 fourth
respondent to release the petitioner's Tipper Lorry bearing Registration
No.TN-73-H-7822, Engine No.400950D0008764 and Chassis
No.MEC2411BFEP008516 forthwith to the petitioner herein.

For Petitioner : Mr.P.P.Shanmugasundaram
For Respondents : Mr.D.Raghu
Government Advocate

ORDER

[Order was delivered by **R.SUBBIAH,J**]

Petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus, directing fourth respondent to release the petitioner's Tipper Lorry bearing Registration No.TN-73-H-7822, Engine No.400950D0008764 and Chassis No.MEC2411BFEP008516, seized by second respondent.

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

3. According to the petitioner, second respondent has seized the vehicle in question on 05.03.2019 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. 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 mines and minerals like M-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 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.

[R.P.S., J] [K.R., J]
28.03.2019

Note: Issue order copy within a week
Speaking (or) Non Speaking Order

Index : Yes/ No, Internet : Yes
gm

To

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R.SUBBIAH, J
AND

KRISHNAN RAMASAMY, J

gm



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