

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.10336 of 2019

1.G.Murali Shankar
S/o.Govindaraju

2.Aravindaraj
S/o.Arjunan

3.V.Muthuvel
S/o.Vembadi

4.Willson Babu
S/o.Dhivya Nathan

5.M.Kavi Arasu
S/o.Manimaran

...Petitioners

Vs

The State represented by
Inspector of Police,
Nellikuppam,
Cuddalore District.
Crime No.432 of 2018

... Respondent

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing respondent to release the vehicles viz., Tipper Lorries bearing Registration Nos.(i) TN-34-C-8757 (ii) TN-34-Q-7864 (iii) TN-29-AC-9582 (iv) TN-88-C-8475 (v) TN-28-AR-8843 and (vi) TN-47-T-1951, seized by respondent.

For Petitioners: Mr.M.Govindaraju

For Respondent : Mr.J.Pothiraj
Special Government Pleader

O R D E R

[Order was delivered by R.SUBBIAH,J]

Petitioners have filed the above Writ Petition praying for issuance of a Writ of Mandamus directing respondent to release Tipper Lorries bearing Registration Nos.(i) TN-34-C-8757 (ii) TN-34-Q-7864 (iii) TN-29-AC-9582 (iv) TN-88-C-8475 (v) TN-28-AR-8843 and (vi) TN-47-T-1951, seized by respondent.

2. Heard learned counsel for petitioners and learned Special Government Pleader for respondent.

3. Learned counsel for petitioners submits that respondent has seized the vehicles in question on 22.09.2018 on the ground of illegal carrying of River Sand. Petitioners filed Crl.M.P.Nos.112, 113, 114, 115, 116 and 117 of 2019 on the file of learned Judicial Magistrate I, Cuddalore, seeking return of vehicle. Petitioners have also filed Crl.O.P.No.202 of 2019 before this Court and this Court, under order dated 04.01.2019, directed the Court below to entertain the petitions filed by petitioners seeking release of vehicle and deal with the same in accordance with the guidelines issued by this Court in W.P.(MD) No.19936 of 2017 dated 29.10.2018 and pass orders within a period of two weeks. Despite such order, learned Judicial Magistrate I, Cuddalore, has proceeded to adjourn the petitions from time to time and till date, no order has been passed. Hence, he has come forward with the present Writ Petition.

4. On the other hand, it is submitted by learned Special Government Pleader for respondent that the vehicles in question were used for illegal transportation of mines and minerals like River Sand and hence, the vehicles were seized. He would further submit that petitioners have no previous case.

5. In any event, as the vehicles are 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 shine, it would certainly diminish their value, this Court is of the view that the vehicles in question may be released by imposing conditions on the petitioners.

6. Accordingly, the respondent is directed to release the vehicles in question to the petitioners within a period of 7 days from the date of compliance of the below mentioned condition Nos.(i) to (iii):

- (i) Petitioners shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) for each vehicle, totalling a sum of Rs.3,00,000/- (Rupees Three Lakhs 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) Petitioners shall execute a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only), for each vehicle, with two sureties each for a like sum to the satisfaction of the concerned jurisdictional Judicial Magistrate.
- (iii) Petitioners shall give an undertaking before the respondent/authority concerned stating that they will not use the vehicles 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 vehicles.
- (iv) Petitioners shall not alienate the vehicles in question till the disposal of the proceedings before the authority concerned.
- (v) Petitioners are 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

gm

To

The Inspector of Police, सत्यमेव जयते
Nallikuppam,
Cuddalore District.

+1cc to the Government Pleader sr.34773
+1cc to Mr.M.Govindaraju, Advocate sr.33728

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pms[co]
srg 11/04/2019