

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 05.04.2019  
CORAM:  
THE HONOURABLE MR.JUSTICE R.SUBBIAH  
and  
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.Nos.10370 and 10395 of 2019

Venkatesan .. Petitioner in both the Writ Petitions

Vs.

1. The Revenue Divisional Officer,  
Revenue Divisional Office,  
Ranipet, Vellore District.
2. The Tahsildar,  
Nemili, Vellore District.
3. The Inspector of Police,  
Nemili Police Station,  
Vellore District.

.. Respondents in both the Writ Petitions

Writ Petition No.10370 of 2019 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to release the petitioner's Tractor bearing Registration No.TN-73-V-2467 which is under the custody of the third respondent.

Writ Petition No.10395 of 2019 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to release the petitioner's Tractor bearing Registration No.TN-73-V-2446 which is under the custody of the third respondent.

For petitioner : Mr.E.Kannadasan  
For respondents : Mr.D.Raghu, Govt. Advocate

COMMON ORDER

(The Common Order of the Court was made by R.Subbiah,J)

Writ Petition No.10370 of 2019 is filed by the petitioner praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to release the petitioner's

Tractor bearing Registration No.TN-73-V-2467, which is under the custody of the third respondent.

2. Writ Petition No.10395 of 2019 is filed by the petitioner praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to release the petitioner's Tractor bearing Registration No.TN-73-V-2446, which is under the custody of the third respondent.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

4. According to the petitioner, the respondents have seized the vehicles in question on 15.10.2018 on the ground of illegal mining and till date, no order for release of the said vehicles had been passed by the respondents. Hence, the petitioner has come forward with the present Writ Petitions.

5. On the other hand, it is submitted by the learned Government Advocate appearing for the respondents that the vehicles in question were used for illegal transportation of mines and minerals like Savutu Sand, and there was no valid permit and hence the vehicles were seized. He further submitted that the petitioner has no previous case.

6. In any event, as the vehicles are under the custody of the respondents from the date of seizure and considering the fact that if the same are allowed to be kept idle by exposing the same to rain and shine, they would certainly diminish in their value, this Court is of the view that the vehicles in question may be released by imposing conditions on the petitioner.

7. Accordingly, the respondents are directed to release the vehicles 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 totally 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 vehicles 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 vehicles.

(iv) The petitioner shall not alienate the vehicles 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.

8. With the above observations and directions, these Writ Petitions are disposed of. No Costs.

Sd/-

Assistant Registrar(CS iv)

//True Copy//

Sub Assistant Registrar

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To

1. The Revenue Divisional Officer,  
Revenue Divisional Office,  
Ranipet, Vellore District.

2. The Tahsildar,  
Nemili, Vellore District.

3. The Inspector of Police,  
Nemili Police Station,  
Vellore District.

+2ccs to Mr.E.Kannadasan , Advocate SR.No. 33641,33642

+1 cc to Government Pleader SR.NO. 34749

W.P.Nos.10370 and 10395 of 2019

A.SK(11/04/2019)

सत्यमेव जयते

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