

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2019

CORAM

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

Writ Petition No.11384 of 2019

RamaKrishnaiah Malakala ...Petitioner
Vs.

State rep by
The Inspector of Police,
Arambakkam Police Station,
Thiruvallur District. ...Respondent

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to release petitioner's vehicle, Tractor and Trailer bearing Registration Nos.AP 03 AC 7190 and AP 03 AC 7191.

For Petitioner : Mr.A.Arun Kumar

For Respondent : 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 respondent to release petitioner's vehicles, Tractor and Trailer bearing Registration Nos.AP 03 AC 7190 and AP 03 AC 7191.

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

3. According to the petitioner, the respondent has seized the vehicles in question on 21.10.2018 on the ground of illegal carrying of river sand and till date, no order for release of the said vehicles had been passed by the respondent. 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 respondent that the vehicles in

question was used for illegal transportation of mines and minerals like river sand and hence, the vehicles were seized.

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 petitioner.

6. Accordingly, the respondent is 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 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 respondent/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 respondent and also the trial Court, failing which the respondent/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 respondent.

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

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

maya/gm

To

1.The Inspector of Police,
Arambakkam Police Station,
Thiruvallur District.

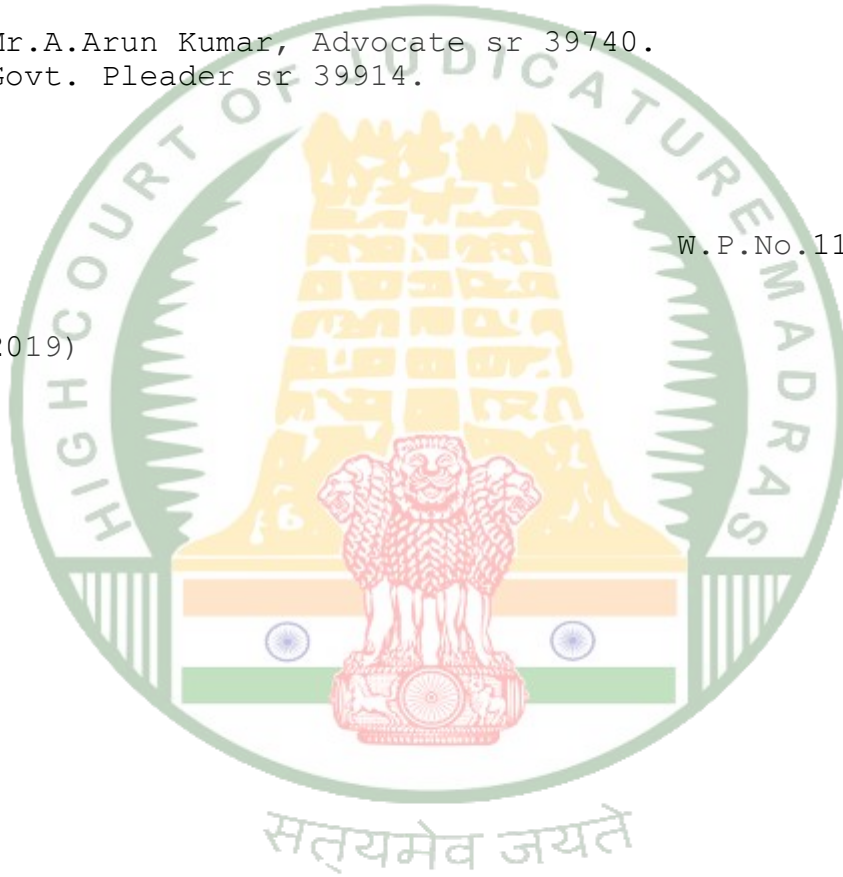
2. The Judicial Magistrate
Thiruvallur.

3. The Tahsildar
Thiruvallur

+1 CC to Mr.A.Arun Kumar, Advocate sr 39740.
+1 CC to Govt. Pleader sr 39914.

W.P.No.11384 of 2019

SP(02/05/2019)



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