

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

Writ Petition No.11846 of 2019

R.Janarthanan @ Gandhi
S/o.Raji

...Petitioner

Vs

1. The District Collector,
Kanchipuram,
Kanchipuram District.

2. The Tahsildar,
Sriperumbudur Taluk,
Kanchipuram District.

3. The Inspector of Police,
Sunguvarchathiram Police Station,
Sriperumbudur Taluk,
Kanchipuram District.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing respondents to release the petitioner's vehicle JCB Earth Moving Equipment BDX Excavator Loader bearing Registration No.TN-21-AJ-2687, which was seized by third respondent in Crime No.457 of 2018 dated 12.12.2018 for the offences u/s.353, 294 (b), 379, 430, 506(2), 307 IPC r/w 21(1) MMDR Act and 3(1) TN Public Property (Prevention of Damage and Loss) Act based on petitioner's representation dated 04.04.2019.

For Petitioner : Mr.P.Balamurugan

For Respondents : Mr.E.Balamurugan

Special Government Pleader

O R D E R

[Order was delivered by R.SUBBIAH, J]

Petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus directing respondents to release the petitioner's vehicle JCB Earth Moving Equipment BDX Excavator Loader bearing Registration No.TN-21-AJ-2687, seized

by third respondent in Crime No.457 of 2018 dated 12.12.2018.

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

3. Learned counsel for petitioner submits that respondents have seized the vehicle in question on 12.12.2018 on the ground of illegal carrying of River Sand and till date, no order for release of the said vehicle had been passed by 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 respondents that the vehicle in question was used for illegal transportation of mines and minerals like River Sand and hence, the vehicle was seized. He would further submit that petitioner has two previous cases.

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) Since the petitioner has two previous cases, petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh 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) 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) 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) Petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned.

(v)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.

Sd/-

Assistant Registrar (J)

//True Copy//

Sub Assistant Registrar

gm

To

1. The District Collector,
Kanchipuram, Kanchipuram District.
2. The Tahsildar,
Sriperumbudur Taluk,
Kanchipuram District.
3. The Inspector of Police,
Sunguvarchathiram Police Station,
Sriperumbudur Taluk, Kanchipuram District.

+lcc to Mr.P.Balamurugan, Advocate, S.R.No. 49634

+lcc to the Government Pleader, S.R.No. 49422

Writ Petition No.11846 of 2019

RMP (02/07/2019)

सत्यमेव जयते

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