

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2019

CORAM

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

Writ Petition No.12795 of 2019

B.Vennila
W/o.Baskar

...Petitioner

Vs

1.The Tahsildar,
Ponneri Taluk,
Tiruvallur District.

2.The Inspector of Police,
Minjur Police Station,
Tiruvallur District.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing respondents herein to release the petitioner's 407 Lorry bearing Registration No.TN-31-H-1807, seized by first respondent on 15.08.2018 and hand over the same to the petitioner forthwith.

For Petitioner : Mr.Krishnasamy Chinnasamy
For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader (In-charge)

सत्यमेव जयते
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 407 Lorry bearing Registration No.TN-31-H-1807, seized by first respondent on 15.08.2018.

2. Heard learned counsel for petitioner and learned Government Pleader (In-charge) for respondents.

3. Learned counsel for petitioner submits that respondents have seized the vehicle in question on 15.08.2018 on the ground of illegal carrying of 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 Government Pleader (In-charge) for respondents that the vehicle in question was used for illegal transportation of mines and minerals like sand and hence, the vehicle was seized. He would further submit that 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. It is represented that the petitioner has already deposited a sum of Rs.25,400/- (Rupees Twenty Five Thousand and Four Hundred only) before the jurisdictional Tahsildar concerned and the offence has also been compounded.

7. In the above circumstances, 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 No.(i):

(i) 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.

(ii) Petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned.

(iii) 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

//True Copy//

Sub Assistant Registrar

gm

To

1.The Tahsildar,
Ponneri Taluk,
Tiruvallur District.

2.The Inspector of Police,
Minjur Police Station,
Tiruvallur District.

+2cc to Mr.Krishnasamy Chinnasamy, Advocate, Sr.No.41477

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gp(co)
mp(20/05/2019)



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