

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2019

CORAM

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

Writ Petition No.12245 of 2019

R.Chandra Sekar
S/o.Rangapan

...Petitioner

Vs

The Inspector of Police,
K.V.Kuppam Police Station,
Katpadi Taluk,
Vellore District.

... 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 petitioner's Mahindra Tractor bearing registration No.TN **23 BV 8402** with Engine No.EBSOW4103 and Chassis No.EBSOW4103 along with trailer bearing registration No.TN **23 BV 8408** with Chassis No.NTO142012 cessed by the respondent in Crime No.36 of 2019 stipulated period.

For Petitioner : Mr.Sathish Kumar M.

For Respondent : Mr.J.Pothiraj
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 respondent to release the petitioner's Mahindra Tractor bearing registration No.TN **23 BV 8402** with Engine No.EBSOW4103 and Chassis No.EBSOW4103 along with trailer bearing registration No.TN **23 BV 8408** with Chassis No.NTO142012 seized by respondent on 20.01.2019.

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

3. Learned counsel for petitioner submits that respondent has seized the vehicle in question on 20.01.2019 on the ground of illegal carrying of river sand and till date, no order for release of the said vehicle had been passed by 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 respondent 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 no previous case.

5. In any event, as the vehicle is 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 vehicle in question may be released by imposing conditions on the petitioner.

6. Accordingly, the respondent is 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) 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) 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 respondent/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 respondent/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.

-s/d-

Assistant Registrar (CS-IV)

Dated: 02.05.2019

*** Amended vide order dated**

08.07.2019 made in W.M.P.

18326/2019 in W.P.12245/2019

sd/- Assistant Registrar (CS III)

Dated: 19.07.2019

True Copy

Sub-Assistant Registrar

ms

To

The Inspector of Police,
K.V.Kuppam Police Station,
Katpadi Taluk,
Vellore District.

To be substituted to the
order already despatched on
08.05.2019

+1 CC to Mr.M.Sathish Kumar, Advocate sr 56690.

+1 CC to Govt. Pleader sr 41971.

Writ Petition No.12245 of 2019

NRL (CO)

SP(02/05/2019)

SP(22/07/2019)

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