

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2019

CORAM

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

Writ Petition No.14001 of 2019

M.Kumaresan
S/o.S.Mohan

...Petitioner

Vs

The Sub-Inspector of Police,
R.K.Pettai Police Station,
Pallipattu Taluk,
Tiruvallur 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 Tractor with Trailer bearing Registration No.TN-20-CT-8177 and a two wheeler viz., Hero Honda bearing Registration No.TN-22-AZ-6015 which was seized by respondent on 14.10.2018 to the petitioner by considering the petitioner's representation dated 16.04.2019.

For Petitioner : Mr.E.Sathiyaraj
For Respondent : Mr.K.S.Suresh
Government Advocate

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 Tractor with Trailer bearing Registration No.TN-20-CT-8177 and a two wheeler viz., Hero Honda bearing Registration No.TN-22-AZ-6015 which was seized by respondent on 14.10.2018 to the petitioner by considering the petitioner's representation dated 16.04.2019.

2. Heard learned counsel for petitioner and learned Government Advocate for respondent.

3. Learned counsel for petitioner submits that respondent has seized the vehicles in question on 14.10.2018 on the ground of illegal carrying of river

sand and till date, no order for release of the said vehicles had been passed by respondent. Hence, he has come forward with the present Writ Petition.

4. On the other hand, it is submitted by learned Government Advocate for respondent that the vehicles in question were used for illegal transportation of mines and minerals like river sand and hence, the vehicles were seized. He would further submit that petitioner has no previous case.

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) Petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in respect of Tractor with Trailer bearing Registration No.TN-20-CT-8177 and a sum of Rs.10,000/- (Rupees Ten Thousand only) in respect of two wheeler viz., Hero Honda bearing Registration No.TN-22-AZ-6015 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 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) Petitioner shall not alienate the vehicles 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 respondent.

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

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

gm

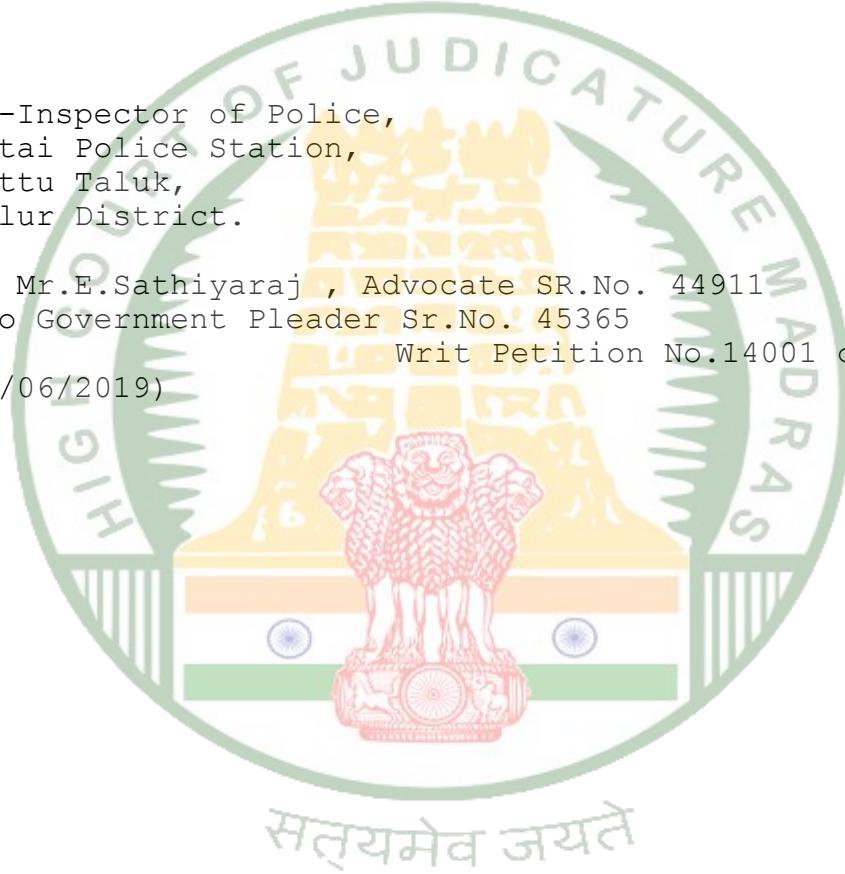
To
The Sub-Inspector of Police,
R.K.Pettai Police Station,
Pallipattu Taluk,
Tiruvallur District.

+1cc to Mr.E.Sathiyaraj , Advocate SR.No. 44911

+1 cc to Government Pleader Sr.No. 45365

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A.SK(11/06/2019)



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