

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.05.2019

CORAM

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Writ Petition No.13642 of 2019

K.Sivakumar

...Petitioner

Vs

1.The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Ponneri Taluk
Thiruvallur District.

2.The Tahsildar
O/o.Tahsildar Office
Ponneri Taluk
Thiruvallur District

3.State rep.by
The Inspector of Police,
Kattur Police Station,
Thiruvallur District

...Respondents

Writ Petitions filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 3rd respondent to release the petitioners' Tipper Lorry bearing Registration No. TN-21-AY-0406, which was seized on 26.04.2019.

For Petitioners : Mr.P.Udayakumar

For Respondents : Mr.J.Ramesh
Additional Government Pleader

O R D E R

[Order of the Court was delivered by KRISHNAN RAMASAMY,J]

Petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus directing the directing the 3rd respondent to release the petitioners' Tipper Lorry bearing Registration No. TN-21-AY-0406, which was seized by the 3rd respondent on 26.04.2019 in Crime No.198 of 2019.

2. Heard learned counsel for the petitioner and learned Additional Government Pleader for the respondents.

3. Learned counsel for the petitioner submits that the respondents have seized the vehicle in question on 17.09.2018 on the ground of illegal carrying of Sand and till date, no order for release of the said vehicle had been passed by the respondents. Hence, the petitioner has come forward with the present Writ Petition.

4. On the other hand, it is submitted by learned Additional Government Pleader for the 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. Accordingly, the respondents are directed to release the vehicle in question to the petitioner within a period of seven (7) days from the date of compliance of the below mentioned condition Nos.(i) to (iii):

- (i) Petitioner shall deposit a sum of Rs.50,000/- (Rupees fifty 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 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(V.O)

//True Copy//

Sub Assistant Registrar

ska/jbm

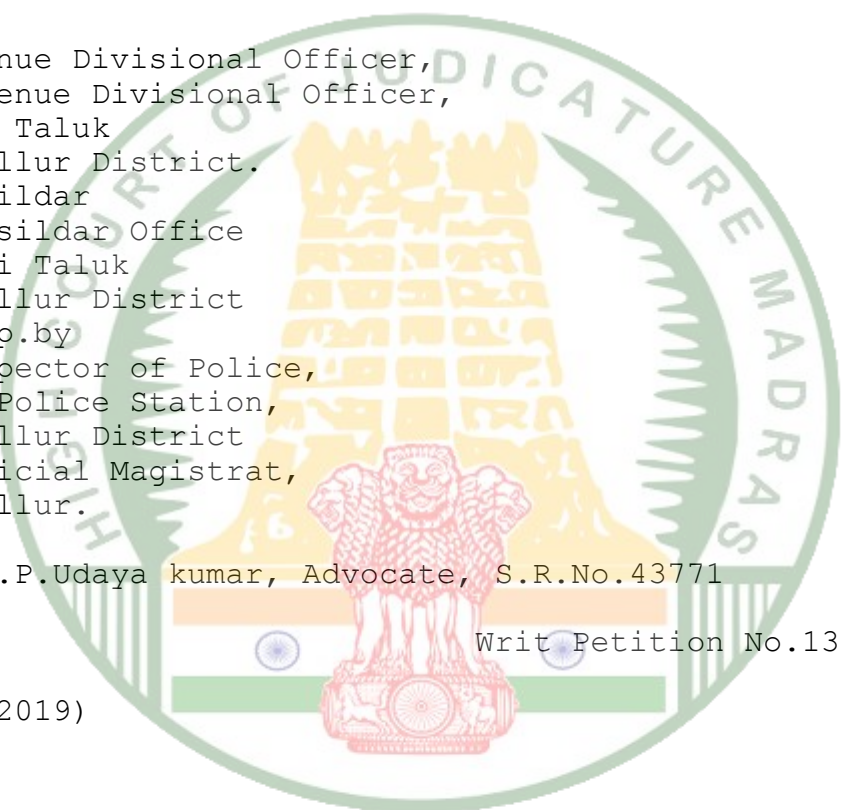
To

- 1.The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Ponneri Taluk
Thiruvallur District.
- 2.The Tahsildar
O/o.Tahsildar Office
Ponneri Taluk
Thiruvallur District
- 3.State rep.by
The Inspector of Police,
Kattur Police Station,
Thiruvallur District
4. The Judicial Magistrat,
Thiruvallur.

+1cc to Mr.P.Udaya kumar, Advocate, S.R.No.43771

Writ Petition No.13642 of 2019

SVI (CO)
vum (24/05/2019)

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital in front of it. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a green circle around the central image. Below the seal, the motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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