

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

W.P.No.14421 of 2019

Arumugam

.. Petitioner

..vs..

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Kancheepuram,
Kanchipuram District.

2.The Inspector of Police,
Walajabad Police Station,
Kanchipuram District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents herein to release the petitioner's Bullock Cart which was seized by the second respondent police on 04.02.2019 and hand over to petitioner based on his representation dated 11.04.2019.

For Petitioner : Mr.D.Dayalan

For Respondents : Mr.K.Ravi Kumar,AGP

O R D E R

[Order of the Court was made by C.V.KARTHIKEYAN, J]

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus, directing the respondents to release the petitioner's Bullock Cart, which is in the custody of the respondents.

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

3. According to the petitioner, the respondents have seized the petitioner's Bullock Cart in question during the month of February' 2019 on the ground of illegal carrying of river sand and till date, no order for release of the said Bullock Cart had been passed by the respondents. Hence, he 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 Bullock Cart in question was used for illegal transportation of mines and minerals like river sand and there was no valid permit and hence, the Bullock Cart was seized. He further submitted that the 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 Bullock Cart in question may be released by imposing conditions on the petitioner.

6. Accordingly, the respondents are directed to release the Bullock Cart 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) The petitioner shall deposit a sum of Rs.2,000/- (Rupees Two 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) The 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) The petitioner shall give an undertaking before the respondents/authority concerned stating that he will not use the Bullock Cart 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 Bullock Cart.
- (iv) The petitioner shall not alienate the Bullock Cart in question till the disposal of the proceedings before the authority concerned.
- (v) The 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

dn

To

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Kancheepuram,
Kanchipuram District.

2.The Inspector of Police,
Walajabad Police Station,
Kanchipuram District.

+1cc to Mr.D.Dayalan, Advocate, S.R.No.43675

+1cc to the Government Pleader, S.R.No.44009

W.P.No.14421 of 2019

AD(CO)

vkr (24/05/2019)

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