IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.05.2019

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN
AND
THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

WRIT PETITION NO.14399 OF 2019

Anbu ...Petitioner

Vs.

1. The Revenue Divisional Officer,
   Revenue Divisional Office,
   Vellore, Vellore District.

2. The Tahsildar,
   Anaicut, Vellore District.

3. The Inspector of Police,
   Anaicut Police Station,
   Vellore District.

...Respondents

PRAYER:
Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the 1st and 2nd respondents to release the petitioner's Ashok Leyland Tipper Lorry bearing Registration No.TN-23-D-8575, which was seized by the 3rd respondent.

For Petitioner : Mr.E.Kannadasan
For Respondents : Mr.J.Ramesh,
Additional Government Pleader

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O R D E R

[Order was delivered by Krishnan Ramasamy, J.]

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to release the petitioner's Ashok Leyland Tipper Lorry bearing Registration No.TN-23-D-8575, which was seized by the 3rd respondent on 17.12.2018.

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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 vehicle in question on 17.12.2018 on the ground of illegal carrying river sand, and till date, no order for release of the said vehicle 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 vehicle in question was used for illegal transportation of mines and minerals like river sand and there was no valid permit and hence, the vehicle was seized.

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 sun, it would certainly diminish their value, this Court is of the view that the vehicle in question may be released by imposing certain conditions on the petitioner.

6. Accordingly, 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 condition Nos.(i) to (iii), which are mentioned below:

(i) The 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) 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 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) The petitioner shall not alienate the vehicle 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.

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

Sd/-
Assistant Registrar(V.O)

//True Copy//

Sub Assistant Registrar

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To

1. The Revenue Divisional Officer,
   Revenue Divisional Office,
   Vellore, Vellore District.

2. The Tahsildar,
   Anaicut, Vellore District.

3. The Inspector of Police,
   Anaicut Police Station,
   Vellore District.

4. The Judicial Magistrate,
   Vellore.

+1cc to Mr.E.Kannadasan, Advocate, S.R.No.43759
+1cc to the Government Pleader, S.R.No.44085

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KJ(CO)
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