

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.14393 of 2019
and W.M.P.No.14427 of 2019

1. J.Segar

2. Balamakenthiran ...Petitioners

Vs.

1. The Tahsildar,
Ulundurpet Taluk,
Villupuram District.

2. The Inspector of Police,
Thirunavalur Police Station,
Villupuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to release the petitioners' Two Tier Bullock Cart, which were seized by the second respondent on 02.11.2018 and to hand over the same to the petitioners forthwith.

For Petitioners :Mr.S.Saravanakumar

For Respondents :Mr.J.Ramesh,
Additional Government Pleader

O R D E R

[Order was delivered by Krishnan Ramasamy, J.]

The petitioners have filed the above Writ Petition praying for issuance of a Writ of Mandamus, directing the respondents to release the petitioners' Two Tier Bullock Cart, which were seized by the second respondent on 02.11.2018 and to hand over the same to the petitioners forthwith.

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

3. According to the petitioners, the respondents have seized the vehicles in question on 02.11.2018 on the ground of illegal carrying river sand, and till date, no order for release of the said vehicles had been passed by the respondents. Hence, they have 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 vehicles in question were used for illegal transportation of mines and minerals like river sand and hence, the vehicles were seized.

5. In any event, as the vehicles are 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 vehicles in question may be released by imposing certain conditions on the petitioners.

6. Accordingly, the respondents are directed to release the vehicles in question to the petitioners within a period of 7 days from the date of compliance of the condition Nos.(i) to (iii), which are mentioned below:

- (i) Each of the petitioners 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) Each of the petitioners 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 petitioners shall give an undertaking before the respondents/authority concerned stating that they will not use the vehicles 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 petitioners shall not alienate the vehicles in question till the disposal of the proceedings before the authority concerned.
- (v) The petitioners are 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. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(V/O)

//True Copy//

Sub Assistant Registrar

To

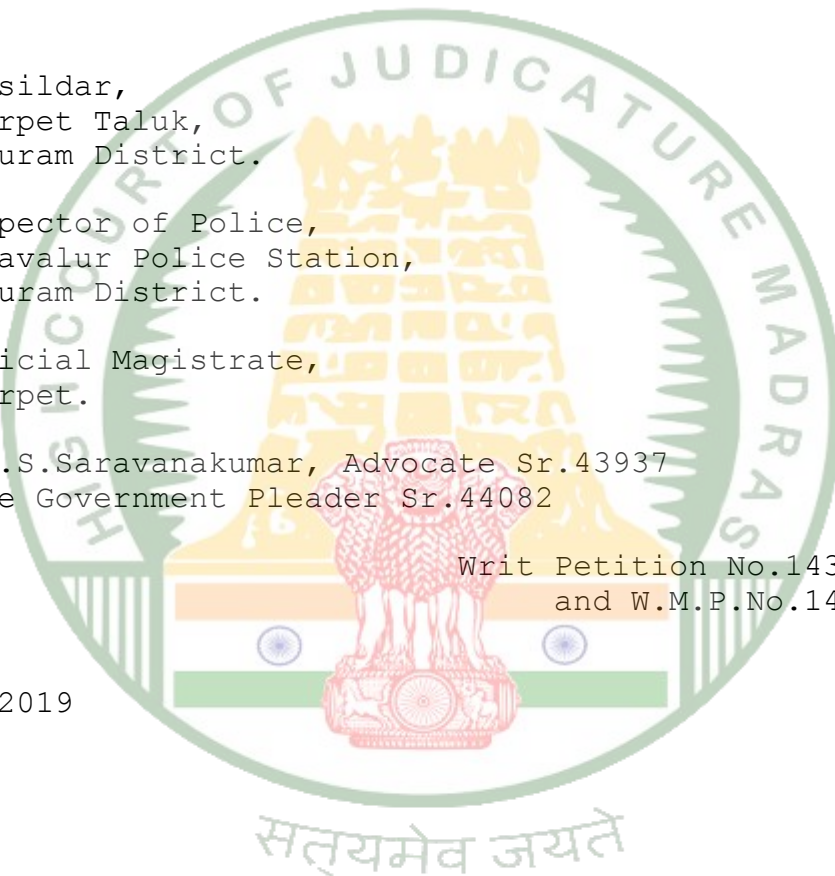
1. The Tahsildar,
Ulundurpet Taluk,
Villupuram District.
2. The Inspector of Police,
Thirunavalur Police Station,
Villupuram District.
3. The Judicial Magistrate,
Ulundurpet.

+1cc to Mr.S.Saravanakumar, Advocate Sr.43937

+1cc to the Government Pleader Sr.44082

Writ Petition No.14393 of 2019
and W.M.P.No.14427 of 2019

srg 27/05/2019



WEB COPY