

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.14406 of 2019

Reliance Earth Movers
Rep by its Proprietor,
Thomas Fernand,
S/o.Irudayaraj

...Petitioner

Vs

1.The District Collector,
Tiruvallur,
Tiruvallur District.

2.The Revenue Divisional Officer,
Thiruvallur,
Tiruvallur District.

3.The Tasildhar,
Tiruvallur Taluk Office,
Tiruvallur District.

4.The Inspector of Police,
Mappadu Police Station,
Tiruvallur District.
(Cr.No.129/2019)

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to release the Hitachi Excavator Ex-200-1 bearing Serial No.145-49657 and hand over to the petitioner pursuant to his representation dated 03.05.2019, which was seized by the fourth respondent on 20.04.2019.

For Petitioner : Mr.T.Muruganantham

For Respondents: Mr.K.Ravikumar
Additional Government Pleader

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 vehicle namely Hitachi Excavator Ex-200-1 bearing Serial No.145-49657, which was seized by the fourth respondent on 20.04.2019.

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 20.04.2019 on the ground of illegal carrying of Sand and till date, no order for release of the said vehicle had been passed by the respondent. 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 Sand and hence, the vehicle was seized. He would further submit 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 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 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.25,000/- (Rupees Twenty Five 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 respondents/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.

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

Sd/-
Assistant Registrar(V/O)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Tiruvallur,
Tiruvallur District.

2.The Revenue Divisional Officer,
Thiruvallur,
Tiruvallur District.

3.The Tasildhar,
Tiruvallur Taluk Office,
Tiruvallur District.

4.The Inspector of Police,
Mappadu Police Station,
Tiruvallur District.

5.The Judicial Magistrate,
Tiruvallur District.

+1cc to Mr.T.Muruganantham, Advocate Sr.43800
+1cc to the Government Pleader Sr.44005

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srg 23/05/2019