

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

Writ Petition No.16124 of 2019

Manivel

...Petitioner

Vs

1. The Revenue Divisional Officer,
Attur Taluk,
Salem.

2. The Tahsildar,
Salem.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to release the petitioner's vehicle Mahindra Maxima bearing Registration No.TN-77-1846 to the petitioner which was seized by the first respondent on 17.09.2018 within a stipulated period as that may be fixed by the Hon'ble Court.

For Petitioner : Mr.M.R.Franklin

For Respondents: Mr.K.S. Suresh
Government Advocate

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O R D E R
[Order was delivered by R.SUBBIAH,J]

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus, directing the first respondent to release the petitioner's vehicle Mahindra Maxima bearing Registration No.TN-77-1846 to the petitioner which was seized by the first respondent on 17.09.2018.

2. Heard learned counsel for the petitioner and learned Government Advocate for the respondents.

3. According to the petitioner, the respondents have seized the vehicle in question on 17.09.2018 on the ground of illegal carrying of 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 Government Advocate for the respondents that the vehicle in question was used for illegal transportation of mines and minerals like river 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 respondent is 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) It is represented by both sides that the petitioner has already deposited a sum of Rs.25,860/- (Rupees Twenty Five Thousand Eight Hundred and Sixty only). Since the amount has already been paid, the respondents are directed to release the vehicle.
- (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.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Revenue Divisional Officer,
Attur Taluk,
Salem.
2. The Tahsildar,
Salem.
3. The Chief Judicial Magistrate,
Salem.
4. The Inspector of Police,
Salem.

+1cc to Mr.M.R.Franklin, Advocate, S.R.No.51554
+1cc to the Government Pleader, S.R.No.52869

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GJ II (CO)

RRS (05/07/2019)



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