IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2019

CORAM

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

Writ Petition No.16638 of 2019

S.Vijaya
W/o.Senthamarai Kannan ...Petitioner

Vs

1.The Tahsildar,
Marakkanam Tahsildar Office,
Villupuram District.

2.The Inspector of Police,
Marakkanam Police Station,
Villupuram District. ... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing second respondent to release the petitioner's vehicle viz., Mahindra 475 DI Tractor with Trailer bearing Registration No.TN-67-B-6687 in Crime No.74/2019.

For Petitioner : Mr.A.Sathish Kumar

For Respondents: Mr.E.Balamurugan
Special Government Pleader

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

Petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus directing respondents to release the petitioner's vehicle, viz., Mahindra 475 DI Tractor with Trailer bearing Registration No.TN-67-B-6687 in Crime No.74/2019, seized by respondents on 04.02.2019.

2. Heard learned counsel for petitioner and learned Special Government Pleader for respondents.

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3. Learned counsel for petitioner submits that respondents have seized the vehicle in question on 04.02.2019 on the ground of illegal carrying of sand and till date, no order for release of the said vehicle had been passed by respondents. Hence, he has come forward with the present Writ Petition.

4. On the other hand, it is submitted by learned Special Government Pleader for 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 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) 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) 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) 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) Petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned.

(v) 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.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

gm
To
1.The Tahsildar,
Marakkanam Tahsildar Office,
Villupuram District.

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

+1 CC to Mr.A.Sathish Kumar, Advocate sr 48838.
+1 CC to Govt. Pleader sr 49407.

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SP(24/06/2019)

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