

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.17202 of 2019

S.Vasanthi

...Petitioner

Vs

1. The Sub Collector,
Office of the Sub Collector,
Nagapattinam,
Nagapattinam District.
2. The Assistant Director,
Geology and Mining, Nagapattinam,
Office of the Geology and Mining/District Collectorate,
Nagapattinam District.
3. The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.

... 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 herein to release the petitioner's vehicle JCB Excavator Loader of Yellow Colour bearing Registration Number TN 59 BV 6692 and bearing Engine No.h00082921 and Chassis No.HAR3DXSSE01875570 based on the petitioner's representation dated 03.06.2019 and handover the vehicle to the petitioner forthwith.

For Petitioner : Mr.N.Sakthivel
For Respondents : Mr.E.Balamurugan
Special Government Pleader

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, respondents to herein to

release the petitioner's vehicle JCB Excavator Loader of Yellow Colour bearing Registration Number TN 59 BV 6692 and bearing Engine No.h00082921 and Chassis No.HAR3DXSSE01875570 based on the petitioner's representation dated 03.06.2019 and handover the vehicle to the petitioner forthwith.

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

3. According to the petitioner, the respondents have seized the vehicle in question on 29.05.2019 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 Special Government Pleader for the respondent 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.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 respondent/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

respondent 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 respondent.

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 Sub Collector,
Office of the Sub Collector,
Nagapattinam,
Nagapattinam District.
2. The Assistant Director,
Geology and Mining, Nagapattinam,
Office of the Geology and Mining/District Collectorate,
Nagapattinam District.
3. The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.

+1cc to M/s.A.S.Balaji, Advocate, SR. No. 51623

+1cc to The Government Pleader, SR. No. 52304, 52304

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RK(CO)

RMP(05/07/2019)

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