

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2019

CORAM

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

Writ Petition No.24779 of 2019

Sorubamoorthy
S/o.Sellappan
Rep by its Power Agent
A.B.D.Abdul Rahman
S/o.Abdul Samath
No.68, Mosque Street,
Pudu Kandigai,
Sainavaram Post,
Arakonam Taluk
Vellore District

...Petitioner

Vs

The Inspector of Police,
Sunguvarchatiram Police Station,
Kancheepuram District.

... Respondent

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to release the petitioners Ashok Leyland Multi Axle lorry bearing Registration No.TN-57-AL-3660 with Chasis No.MB1HTDFCIERWK2864 and Engine No.EWHZ415236 seized by the respondent in Crime No.159 of 2018 within stipulated period.

For Petitioner : Mr.M.Sathish Kumar
For Respondent : Mr.E.Bala Murugan
Special Government Pleader

O R D E R

[Order was delivered by R.SUBBIAH, J]

Petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus, directing the respondent to release the petitioners Ashok Leyland Multi Axle lorry bearing Registration No.TN-57-AL-3660 with Chasis No.MB1HTDFCIERWK2864

and Engine No.EWHZ415236 seized by the respondent in Crime No.159 of 2018 within stipulated period.

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

3. Learned counsel for petitioner submits that respondent has seized the vehicle in question on the ground of illegal carrying of River Sand and till date, no order for release of the said vehicle had been passed by 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 respondent 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 petitioner has no previous case.

5. In any event, as the vehicle is under the custody of the respondent 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)Petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty 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 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) 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 respondent.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vv

To

The Inspector of Police,
Sunguvarchatiram Police Station,
Kancheepuram District.

+1 cc to Mr.M.Sathish Kumar Advocate sr73148

Writ Petition No.24779 of 2019

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