

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2019

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

and

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Writ Petition No.17790 of 2019

S. Kathirkaman

...Petitioner

Vs

State rep. by
The Inspector of Police,
Panruti Police Station,
Cuddalore 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 vehicle being bullock Cart which was seized on 23.05.2019 by the respondent in Crime No.270/2019 and hand over the same to the petitioner.

WEB COPY

For Petitioner : Mr.M. Vijaya Ragavan

For respondent : Mr.V. Shanmuga Sundar
Special Government Pleader

ORDER

[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 respondent to release the bullock Cart which was seized on 23.05.2019 by the respondent and hand over the same to the petitioner

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

3. According to the petitioner, the respondent has seized the bullock cart on 23.05.2019 on the ground of illegal carrying of sand and till date, no order for release of the said bullock cart 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 bullock cart was used for illegal transportation of mines and minerals like sand and hence, the bullock cart was seized. He further submitted that the petitioner has no previous case.

5. In any event, as the bullock cart 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 bullock cart may be released by imposing conditions on the petitioner.

6. Accordingly, the respondent is directed to release the bullock cart 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.2,000/- (Rupees two 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 bullock cart for any illegal activities in future and shall produce the same as and when required

R.SUBBIAH, J
AND
C.SARAVANAN, J

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by the respondent and also the trial Court, failing which the respondent/trial Court is/are at liberty to confiscate the bullock cart.

- (iv) The petitioner shall not alienate the bullock cart 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.

[R.P.S., J] [C.S.N., J]
 01.07.2019
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Note to office: Issue order copy within two weeks

Speaking (or) Non Speaking Order
 Index : Yes/ No
 Internet : Yes
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To
 The Inspector of Police,
 Panruti Police Station,
 Cuddalore District.

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