

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2019

CORAM

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

Writ Petition No.17811 of 2019

P.V.K.Granite Metals,
Rep.by its Proprietor,
K.Baskaran

... Petitioner

Vs

1. Joint Director/Assistant Director
Department of Geology and Mining,
Coimbatore.
2. Assistant Director,
Zonal Flying Squad,
Department of Geology and Mining,
Salem.
3. The Revenue Divisional Officer,
(North) Coimbatore District,
Coimbatore- 641 018.
4. The Tahsildar,
Office of the Tahsildar,
Madhukkarai Taluk,
Coimbatore-641 402.
5. The Deputy Tahsildar(Mineral)
Officer of the District Collector,
Coimbatore- 641 018.

.. 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 release the petitioner's vehicle, TATA Motors Timber Lorry having Registration No.KL-49-K-5009 which was seized by second respondent on 30.05.2019 at 4.00p.m.

For Petitioner : Mr.M.Naraayanaswamy
For Respondents: Mr.V.Shanmuga Sundar,
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 respondents to release the petitioner's vehicle, viz., TATA Motors Timber Lorry having Registration No.KL-49-K-5009 within a stipulated period, which is in the custody of respondents.

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

3. Learned counsel for petitioner submits that respondents have seized the vehicle in question on 30.05.2019 on the ground of illegal carrying of River 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 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 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.

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

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vv

To

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Coimbatore.

2. Assistant Director,
Zonal Flying Squad,
Department of Geology and Mining,
Salem.

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+1 CC to Govt. Pleader sr 53518.

+1 CC to Mr.M.Naraayanaswamy, Advocate sr 52764.

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BS (CO)
SP (09/07/2019)