

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.18115 of 2019

Gananendiran

...Petitioner

Vs

1. The Revenue Divisional Officer,
Arni, Thiruvannamalai District.
2. The Inspector of Police,
Arni Taluk Police Station,
Arni,
Thiruvannamalai District.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent herein to consider petitioner's representation dated 10.06.2019 addressed requesting to release the vehicle bearing its Registration Number TN-59-AH-3424 that was seized and is kept under their custody.

For Petitioner : Mr.B.S.Ramesh

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., Mini Van (Tata 207) bearing Registration Number TN-59-AH-3424 within a stipulated period, which is in the custody of second respondent.

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 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 cases.

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.25,000/- (Rupees Twenty Five 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.

Vv

26/06/2019

This Petition has been posted on 09/08/2019 under the Caption "for being Mentioned" in pursuance to the order of this Court dated 26/06/2019 and made herein in the presence of the aforesaid Advocate, the Court made the following order;

Today, the matter is listed under the caption 'for being mentioned' at the instance of learned counsel for petitioner.

2. Heard both sides.

3. Learned counsel for petitioner submits that this Court, under orders dated 26.06.2019, directed release of vehicle viz., Mini Van (TATA 207) subject to petitioner depositing a sum of Rs.25,000/- as non-refundable deposit. However, in the order copy, the amount was wrongly mentioned as Rs.50,000/-.

4. Considering the said submission, this Court directs that in Paragraph No.6(i) of the order dated 26.06.2019, the amount of Rs.50,000/- shall be replaced with Rs.25,000/- (both in numeric and words).

Registry is directed to carry out necessary correction in the order dated 26.06.2019 and issue fresh order copy.

s/d-

Assistant Registrar(J)

Dated:08/07/2019

*Correction carried out as per order of this Court made in W.P.No.18115 of 2019 dated 09/08/2019

Sd/-

Assistant Registrar(CS-VIII)

Dated:13/08/2019

True Copy

Sub-Assistant Registrar

vv

To

1. The Revenue Divisional Officer,
Arni, Thiruvannamalai District.

2. The Inspector of Police,
Arni Taluk Police Station,
Arni,
Thiruvannamalai District.

To be substituted to
The order already
despatched on
11.07.2019

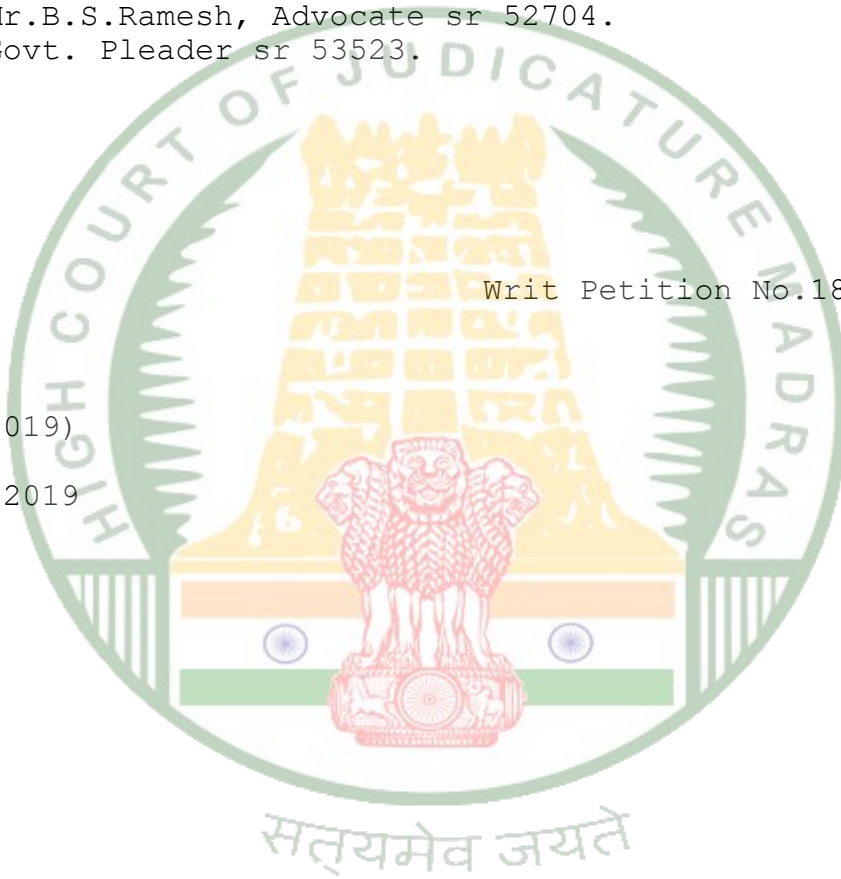
+1 CC to Mr.B.S.Ramesh, Advocate sr 52704.

+1 CC to Govt. Pleader sr 53523.

Writ Petition No.18115 of 2019

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

Srg 14/08/2019



WEB COPY