

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.07.2019

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

Writ Petition No.19454 of 2019

Kamaraj
S/o.Govindharasu

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Ariyalur,
Ariyalur District.

2.The Tahsildar,
Ariyalur, Ariyalur District.

3.The Sub-Inspector of Police,
Ariyalur Police Station,
Ariyalur District.

4.The Assistant Director,
Tamil Nadu Mines and Minerals,
Ariyalur 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 release the petitioner's ASHOK LAYLAND LTD TIPPER LORRY bearing a Chassis No.MB1HTDHD0KRJA6847 and hand over to the petitioner based on his representation dated 26.05.2019 within the time framed by this Court.

For Petitioner : Mr.K.Gandhi Kumar

For Respondents: Mr.E.Balamurugan
Special Government Pleader

O R D E R

[Order was made by R.SUBBIAH,J]

Petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus directing respondents to release the petitioner's ASHOK LAYLAND LTD TIPPER LORRY bearing a Chassis No.MB1HTDHD0KRJA6847 and hand over to the petitioner

based on his representation dated 26.05.2019 within the time framed by this Court.

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

3. According to petitioner, respondent has seized the vehicle in question on 12.05.2019 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 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 petitioner has two previous cases.

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) Since the petitioner has two previous cases, petitioner shall deposit a sum of Rs.1,50,000/- (Rupees One Lakh 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(J)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Revenue Divisional Officer,
Ariyalur,
Ariyalur District.
- 2.The Tahsildar,
Ariyalur,
Ariyalur District.
- 3.The Sub-Inspector of Police,
Ariyalur Police Station,
Ariyalur District.
- 4.The Assistant Director,
Tamil Nadu Mines and Minerals,
Ariyalur District.

+1cc to Mr.K.Gandhi Kumar, Advocate, S.R.No.56668
+1cc to the Government Pleader, S.R.No.58104

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RRS (18/07/2019)

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