

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2019

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

and

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Writ Petition No.19671 of 2019

S. Subash

...Petitioner

Vs

1. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Mayiladudurai, Nagapattinam District.

2. The Tahsildar,
Taluk Office, Sirkali Taluk,
Nagapattinam District.

3. State rep. by
The Inspector of Police,
Anaikaranchattiram Police Station,
Sirkali, Nagapattinam 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 return petitioner's vehicle viz. (JCB Earth Moving Vehicle) bearing Registration No.TN-82 W 4208 with Chassis No.BM1101807709 and Engine No.4H32011821869 which was seized by the 3rd respondent in crime No.134/2019 and pass orders.

For Petitioner : Mr.A. Velmurugan
For Respondents : Mr.E. Balamurugan
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 respondents to return petitioner's vehicle viz. (JCB Earth Moving Vehicle) bearing Registration No.TN-82 W 4208 with Chassis No.BM1101807709 and Engine No.4H32011821869 which was seized by the 3rd respondent in Crime No.134 of 2019.

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

3. According to the petitioner, the respondents have seized the vehicle in question on 11.06.2019 on the ground of illegal carrying of sand and till date, no order for release of the said vehicle had been passed by the respondents. Hence, he has come forward with the present Writ Petition.

4. On the other hand, it is submitted by learned Special Government

<http://www.judis.nic.in> Pleader for the respondents that the vehicle in question was used for illegal

transportation of mines and minerals like sand and hence, the vehicle was seized. He further submitted that the 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) The 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) 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.

<http://www.judis.nic.in> (iii) The petitioner shall give an undertaking before the respondents/authority

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AND
C.SARAVANAN, J

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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) The petitioner shall not alienate the vehicle in question 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 respondents.

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

[R.P.S., J] [C.S.N., J]
 09.07.2019
 2/4

Note to office: Issue order copy within two weeks

Speaking (or) Non Speaking Order

Index : Yes/ No

Internet : Yes

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To

1. The Revenue Divisional Officer, Office of the Revenue Divisional Officer, Mayiladudurai, Nagapattinam District.
2. The Tahsildar, Taluk Office, Sirkali Taluk, Nagapattinam District.

3. The Inspector of Police, Anaikaranchattiram Police Station, Sirkali, Nagapattinam District.

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