

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.19785 of 2019

K. Natarajan

...Petitioner

Vs

1. The Revenue Divisional Officer,
Mannarkudi, Tiruvarur District.

2. The Tahsildar,
Thiruthurai poondi, Tiruvarur District.

3. State rep. by
The Inspector of Police,
Alivalam Police Station,
Tiruvarur District.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st and 2nd respondents to release the petitioner's machine - TATA HITACHI Hydraulic Excavator Model Zaxis 210LCH with Backhoe Bucket Moel 2014, model 2014, machine serial No.OACE-02922, which is in the custody of the 3rd respondent.

For Petitioner : Mr.W.Gamyles Gandhi

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

O R D E R

[Order was delivered by R.SUBBIAH,J]

The petitioner has filed the above Writ Petition for the issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to release the petitioner's machine - TATA HITACHI Hydraulic Excavator Model Zaxis 210LCH with Backhoe Bucket Moel 2014, machine serial No.OACE-02922 which was seized by the 3rd respondent.

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 03.05.2019 on the ground of illegal carrying of sand and till date, no order for release of the said vehicle had been passed by the 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 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.
- (iii) The 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) 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.

Sd/-
Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

smn

To

1.The Judicial Magistrate, Tiruvarur District.

2.Do thro the Chief Judicial Magistrate, Tiruvarur District.

3.The Revenue Divisional Officer,
Mannarkudi, Tiruvarur District.

4. The Tahsildar, Thiruthurai poondi, Tiruvarur District.

3. The Inspector of Police, Alivalam Town Police Station,
Tiruvarur District.

+1cc to Mr.W.Gamyles Gandhi , Advocate SR.No. 57641

+1 cc to Government Pleader Sr.No.58145

Writ Petition No.19785 of 2019

A.SK(24/07/2019)



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