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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2019

CORAM

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

Writ Petition No.20516 of 2019

Subramani

... Petitioner

Vs

1.The Tahsildar
Gudiyatham Taluk Office,
Gudiyatham, Vellore District.

2. The Inspector of police,
Gudiyatham Town Police Station,
Vaniyambadi ,Vellore 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 release the two tyre bullock cart of the petitioner seized by the 2nd respondent on 31.03.2019, to the petitioner forthwith based on the representation dated 02.04.2019.

For Petitioner : Mr.G. Vinodh Kumar

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 praying for issuance of a Writ of Mandamus, directing the second respondent herein to release the two tyre bullock cart of the petitioner seized by the 2nd respondent on 31.03.2019, to the petitioner forthwith based on the representation dated 02.04.2019.

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



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3. According to the petitioner, the respondents have seized the bullock cart on 31.03.2019 on the ground of illegal carrying of sand and till date, no order for release of the said bullock cart 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 bullock cart was used for illegal transportation of mines and minerals like sand and hence, the bullock cart was seized. He further submitted that the petitioner has no previous case.

5. In any event, as the bullock cart 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 bullock cart may be released by imposing conditions on the petitioner.

6. Accordingly, the respondents are directed to release the bullock cart 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.2,000/- (Rupees two 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 bullock cart 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 bullock cart.
- (iv) The petitioner shall not alienate the bullock cart 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/-
Joint Registrar(J)

//True Copy//

Sub Assistant Registrar

smn

To

- 1.The Tahsildar
Gudiyatham Taluk Office,
Gudiyatham, Vellore District.
2. The Inspector of police,
Gudiyatham Town Police Station,
Vaniyambadi ,Vellore District.
3. The Judicial Magistrate,
Vellore District.

+1 cc to Mr.G.Vinodh Kumar, Advocate, Sr.No. 59460
+1 cc to The Government Pleader, Sr.No. 60774

Writ Petition No.20516 of 2019

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CSL/01.08.2019