

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2019

CORAM

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

Writ Petition No.24700 of 2019

S.Benjamin

... Petitioner

Vs

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

2. The Tahsildar,
Kurinjipadi Taluk,
Cuddalore District.

3. The Inspector of Police,
Neyveli Town Police Station,
Cuddalore District.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus, directing first respondent to release the petitioner vehicle Red Colour Tractor Registration No.TN-32-J-4091, Engine No.EBWOL1420 seized on 27.10.2018 and consider the petitioner representation dated on 08.08.2019.

For Petitioner : Mr.A.Kanaka Velappan

For Respondents: Mr.E.Balamurugan

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 first respondent to release the petitioner vehicle Red Colour Tractor Registration No.TN-32-J-4091, Engine No.EBWOL1420 seized on 27.10.2018 and consider the petitioner representation dated on 08.08.2019.

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

3. Learned counsel for petitioner submits that the first and second respondents have seized the vehicle in question on the ground of illegal carrying of 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 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 would further submit that petitioner has no previous case.

5. In any event, as the vehicle is under the custody of the third 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 first 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) 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) 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.

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

Sd/-
Assistant Registrar(insp.cell)
dated 10.09.2019

//True Copy//

***Cause title Amended as per
order of this Court dated 08.01.2020
and made in WMP.No.30964/19
in WP.No.24700 of 2019**

-s/d-

**Assistant Registrar(CS VIII)
dt 09/01/2020**

//True Copy//

Sub Assistant Registrar

arb
To

1. The Revenue Divisional Officer,
Cuddalore, Cuddalore District.
2. The Tahsildar,
Kurinjipadi Taluk,
Cuddalore District.
3. The Inspector of Police,
Neyveli Town Police Station,
Cuddalore District.

**to be substituted
For the order already
despatched 30.09.19**

+1 cc to M/s.A.Kanaka Velappan Advocate sr72081
+1 cc to Government pleader sr72755

+1cc to Mr.A.Kanaka Velappan , Advocate SR.No. 2007

Writ Petition No.24700 of 2019

rsv(co)
aa13/08/2019
A.SK(09/01/2020)