

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.08.2019

Coram

The Hon'ble Mr.Justice R.SUBBIAH
and
The Hon'ble Mr.Justice C.SARAVANAN

Writ Petition No.24763 of 2019

K.Venkatesan ... Petitioner
Vs.

1.The Revenue Divisional Officer,
RDO Building,
Ranipet, Vellore District.

2.Inspector of Police,
Arcot Taluk Police Station,
Vellore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 02.08.2019 and to release the petitioner's bullock cart, that was seized and which is in the custody of the second respondent.

For Petitioner : Mr.B.S.Ramesh

For Respondents: Mr.E.Balamurugan
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 to consider the petitioner's representation dated 02.08.2019 and to release the petitioner's bullock cart, which is in the custody of the second respondent.

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

3. According to the petitioner, the second respondent has seized the Bullock Cart on the ground of illegal carrying of sand, and till date, no order for release of the 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 in question 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 second 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 sun, it would certainly diminish its value, this Court is of the view that the Bullock Cart in question may be released by imposing certain conditions on the petitioner.

6. Accordingly, the second respondent is directed to release the Bullock Cart in question to the petitioner within a period of 7 days from the date of compliance of the condition Nos.(i) to (iii), which are mentioned below:

- (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 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.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

arb/smv

To

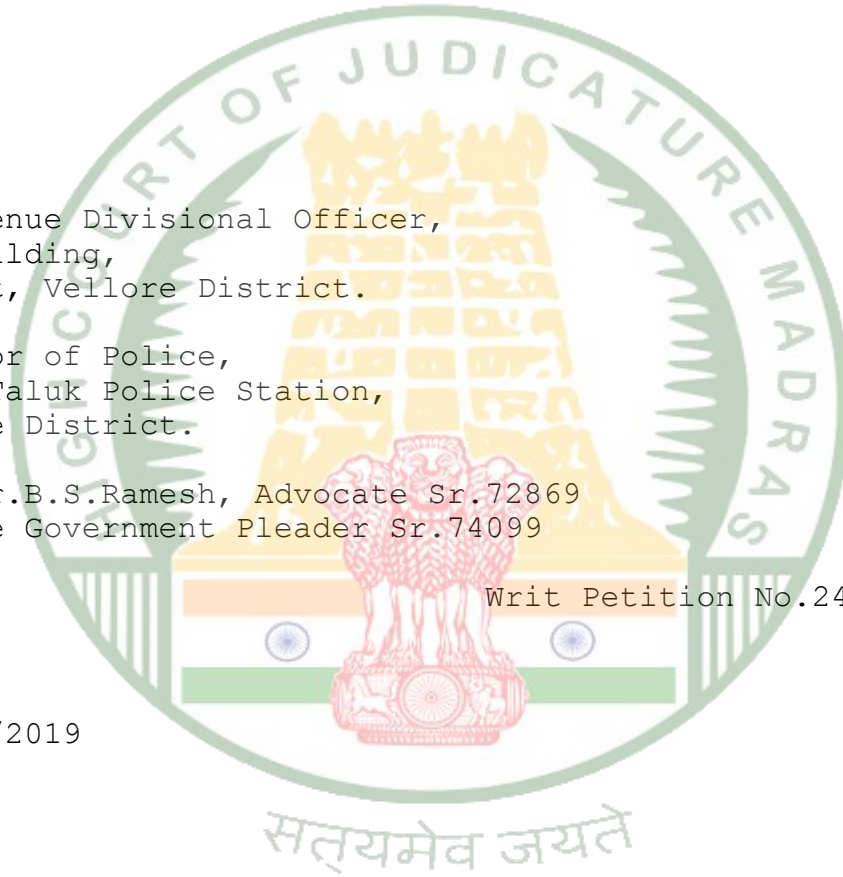
1.The Revenue Divisional Officer,
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+1cc to Mr.B.S.Ramesh, Advocate Sr.72869
+1c to the Government Pleader Sr.74099

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gj II[col]
srg 12/09/2019



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