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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.04.2019
CORAM:
THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**
W.P.(MD)No.10176 of 2019

Prabu ... Petitioner

Vs

1.The Assistant Director of Geology and Mining,
Pudukottai District, Pudukottai.

2.The Revenue Divisional Officer,
Aranthangi Taluk, Pudukottai District.

3.The Inspector of Police,
Manamelkudi Police Station,
Pudukottai District. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to release the petitioner's Mahindra Bolero Pick-up Van bearing Registration No.TN-65-AB-6248 seized on 30.03.2019 by the third respondent, to the petitioner.

For Petitioner : Mr.T.Lenin Kumar
For Respondents : Mr.K.Mu.Muthu
Additional Government Pleader

ORDER

Heard the learned counsel on either side. By consent of both parties this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner's vehicle was seized in connection with illegal transportation of sand. The enquiry in this regard is still pending. The learned counsel for the petitioner affirms before this Court that the petitioner's vehicle was not involved in any previous incident of sand theft or illegal transportation of sand.

3.The submission of the learned counsel for the petitioner is placed on record. If this submission turns out to be false, the order now passed by this Court would stand automatically recalled and the petitioner will be visited with serious consequences. I am of the view that no purpose will be served by keeping the vehicle in question in the custody of the respondents. If the vehicle is kept in open space and exposed to sun light and rain, it would lose its value. Therefore, the respondents are directed to release the said vehicle subject to the following conditions.

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a) The petitioner shall deposit a sum of Rs.25,000/- to the concerned District Mineral Foundation Trust. He shall execute an affidavit of undertaking that he shall not involve in any offence in future that may lead to the seizure of the vehicle in question. The petitioner shall not alienate or encumber the vehicle in question till the proceedings are completed.

b) The petitioner shall produce all the documents pertaining to the ownership of the seized vehicle.

c) This order for release of the vehicle can be pressed into service by the petitioner only if the vehicle is not in the custody of the criminal Court. If the vehicle is in the custody of concerned Criminal Court of appropriate jurisdiction, then, option is given to the petitioner to approach the concerned Judicial Magistrate to get release of the vehicle, by filing necessary application in the manner known to law.

d) As and when the respondents call for the vehicle for enquiry, the petitioner has to produce the vehicle in question and he shall cooperate with the enquiry to be conducted by the respondents.

4.Upon completion of these formalities, the respondents shall release the vehicle forthwith without any delay. If this undertaking given by the petitioner is breached, the petitioner will not be entitled to interim release of the vehicle in future.

5.The Writ Petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Assistant Director of Geology and Mining,
Pudukottai District, Pudukottai.

2.The Revenue Divisional Officer,
Aranthangi Taluk, Pudukottai District.

3.The Inspector of Police,
Manamelkudi Police Station,
Pudukottai District.

Copy to:

The Officer in Charge,
District Mineral Foundation Trust,
Pudukottai District

+1cc to Mr.T.LENINKUMAR, Advocate, SR.No. 62832

+1cc to M/s.Special Government Pleader,SR.No.62883

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RMK

KK/SAR/30.04.2019/ 2P- 7C