



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.6663 of 2019

Subramani

... Petitioner

Vs

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Srirangam,
Tiruchirapalli District.

2.The Inspector of police,
Ramjee Nagar Police Station,
Tiruchirapalli District.

3.The Assistant Director,
Tamilnadu Mines and Minerals,
Tiruchirapalli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to release the petitioner's vehicle i.e., two Lorries and one JCB bearing Registration Nos.TN 48 Y 1010, TN 48 S 1662 and TN 48 U 9990 and hand over the same to the petitioner based on the petitioner's representation dated 18.03.2019.

For Petitioner : Mr.K.M.Karunakaran
For Respondents : Mr.M.Rajarajan
Government Advocate

ORDER

Heard the learned counsel on either side.

2.The petitioner's three vehicles(one JCB and two lorries) have been seized in connection with illegal transportation of sand.

3.The learned Government Advocate informs the Court that the petitioner has indulged in a very large scale of removal of gravel from a patta land. The learned Government Advocate would further pointed out that as many as 100 lorries were involved.

4.This Court makes it clear that merely because an interim relief has been ordered that need not deter the authorities from taking stringent action against the writ petitioners. The respondents are directed to release the petitioner's vehicles subject to fulfilment of the following conditions:



- a) The petitioner shall deposit a sum of Rs.1,75,000/- (Rupees One Lakh Seventy Five Thousand only) covering these three vehicles 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 vehicles.
- c) This order for release of the vehicles can be pressed into service by the petitioner only if the vehicles are 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 vehicles for enquiry, the petitioner has to produce the vehicles in question and he shall cooperate with the enquiry to be conducted by the respondents.

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

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

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

pnn

To

1. The Revenue Divisional Officer,
Revenue Divisional Office,
Srirangam,
Tiruchirapalli District.

2. The Inspector of police,
Ramjee Nagar Police Station,
Tiruchirapalli District.



3.The Assistant Director,
Tamilnadu Mines and Minerals,
Tiruchirapalli District.

+1CC TO MR.K.M.KARUNAKARAN, Advocate Sr. No. 55698

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 56127

W.P. (MD) No. 6663 of 2019

21.03.2019

TR (29.03.2019) 3P 6C