



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.12.2019**

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.25989 of 2019

WEB COPY

P.Kajendran

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Devakottai, Sivagangai District.

2.The Tahsildar,
Taluk Office, Karaikudi Taluk,
Sivagangai District.

3.The Inspector of Police,
Kallal Police Station, Sivagangai District.

4.The Assistant Director,
Tamilnadu Mines and Minerals,
Sivagangai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 19.02.2019 immediately and release the petitioner's two Bullock Carts seized on 12.02.2019 in connection with Crime No.35 of 2019 on the file of the Inspector of Police, Kallal Police Station, Sivagangai District and hand over the same to the petitioner.

For Petitioner : Mr.S.Sathiyachidambaram,

For Respondents : Mr.M.Pandiarajan,

Additional Government Pleader

ORDER

Mr.M.Pandiarajan,, learned Additional Government Pleader takes notice for the respondents.

2. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. This Writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 19.02.2019 and



release the petitioner's two Bullock Carts seized on 12.02.2019 in connection with Crime No.35 of 2019 on the file of the Inspector of Police, Kallal Police Station, Sivagangai District and hand over the same to the petitioner.

4. The petitioner is the owner of two bullock-carts and states that he is using the bullock-carts for agricultural purposes. He also states that he is eking out his livelihood wholly from the income derived from the said vehicles. On 12.02.2019, the bullock-carts were seized by the third respondent on the ground that he is transporting sand without a valid license.

5. According to the petitioner, the above allegation is incorrect and his stand will be vindicated in the course of enquiry, that is, according to the learned Additional Government Pleader, who appears for all the respondents, presently on-going.

6. It is represented by the learned Additional Government Pleader that a case in Crime No.35 of 2019 has been registered by the third respondent/Inspector of Police, Kallal Police Station, Sivagangai District.

7. Pending enquiry, I am of the view that the vehicles should be handed back to the possession of the petitioner as he states that he is using the same for agricultural purposes and also for the reason that the respondents are not in a position to protect the same against the onslaught of the elements.

8. Accordingly, the first respondent is directed to release the vehicles(Bullock Carts) forthwith and in any event within a period of one week from today strictly subject to the satisfaction of the following conditions:

(i) The petitioner shall deposit a sum of Rs.10,000/- (Rupees Twenty Five Thousand Only) each ie., Totally a sum of Rs.20,000/-(Rupees Twenty Thousand Only), for the vehicles before the first respondent herein;

(ii) The petitioner shall give an undertaking that he will not use the vehicles for any illegal activities in future and shall produce the same as and when required by the respondents;

(iii) On doing so, the vehicles in question shall be returned to the petitioner;

(iv) The petitioners shall not alienate the vehicles in question till the disposal of the proceedings before the authority concerned;



(v) The first respondent is directed to complete the enquiry within a period of four weeks from the date of receipt of a copy of this order; and

(vi) The petitioner is also directed to participate in the enquiry to be conducted by the first respondent."

9.The writ petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To:

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Devakottai, Sivagangai District.

2.The Tahsildar,
Taluk Office, Karaikudi Taluk,
Sivagangai District.

3.The Inspector of Police,
Kallal Police Station, Sivagangai District.

4.The Assistant Director,
Tamilnadu Mines and Minerals, Sivagangai.

+1 CC to M/s.S.SATHYA CHIDAMBARAM, Advocate (SR-104006[F] 9/12/2019)

+1 CC to M/s.Special Govt.Pleader(SR-103970[F] dated 09/12/2019)

W.P(MD)No.25989 of 2019
06.12.2019

pm

SDS (17.12.2019) 3P 7C