



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2019

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.(MD) No.26086 of 2019

Rajkumar

.. Petitioner

Vs

1. The Assistant Director of Geology and mining
Trichy District
Trichy

2. The Revenue Divisional Officer
Thiruverumbur
Trichy District

3. The State rep by
The Inspector of Police
Thuvakkudi Police Station
Trichy District

..Respondents

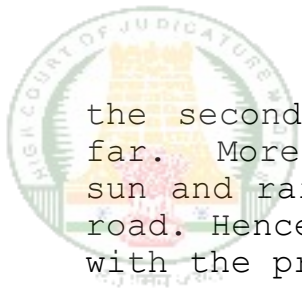
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to release the petitioner's Bolero Pickup Van bearing Registration No. TN 48 M 8863 seized by the third respondent on 10.03.2019 to the petitioner.

For Petitioner : M/s. T.Lenin Kumar
For Respondents : Mr.M.Murugan
Government Advocate

O R D E R

This Writ Petition is filed by the petitioner to direct the second respondent to release the petitioner's Bolero Pickup Van bearing Registration No. TN 48 M 8863, seized by the third respondent on 10.03.2019.

2. According to the petitioner, he is the owner of the Bolero Pickup Van bearing Reg.No.TN 48 M 8863. On 10.03.2019, he engaged a driver to transport a load of chamber bricks and when the driver proceeded to load chamber bricks, he met with an accident, due to which, the vehicle was seized by the third respondent and subsequently handed over to the second respondent. Further it is stated that the petition filed by the petitioner before the Special Court for Mines and Mineral Cases, Trichy on 16.09.2019, was returned on the ground that the vehicle was seized prior to G.O.Ms.No.298. Hence, the petitioner has made a representation to



the second respondent, against which no action has been taken so far. Moreover, it is stated that if the vehicle is exposed to hot sun and rain, it would become unfit to be plied trouble free in the road. Hence, the petitioner has left with no other alternate come up with the present Writ Petition.

WEB COPY

3. On the other hand, the learned Government Advocate appearing for the respondents submitted that the vehicle was seized as a case was registered in Crime No.52 of 2019 against the driver of the vehicle, under Sections 279,337,304-A & 379 of IPC r/w 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957.

4. In any event, as the vehicle is under the custody of the respondents having been seized on 10.03.2019 and considering the fact that if the same is allowed to be kept idle by exposing the same to sun and rain, it would certainly diminish its value. Therefore, pending proceedings before the respondents, this Court is of the view that the vehicle can be released by imposing certain conditions on the petitioner for release of the aforesaid vehicle.

5. Accordingly, the second respondent is directed to release the vehicle in question to the petitioner within a period of seven days from the date of receipt of a copy of this order subject to the following conditions:

- "(i) The petitioner shall produce documents before the second respondent under whose custody of the vehicle is kept, to establish the ownership of the vehicle in question;
- (ii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) for the vehicle before the second respondent herein;
- (iii) The petitioner shall give an undertaking that he will not use the vehicle for any illegal activities in future and shall produce the same as and when required by the respondents;
- (iv) On doing so, the vehicle in question shall be returned to the petitioner;
- (v) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned;
- (vi) The second 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



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

6. Accordingly, the writ petition is disposed of. No costs.

WEB COPY

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar(CS)

vrn

To:

1. The Assistant Director of Geology and mining
Trichy District
Trichy
2. The Revenue Divisional Officer
Thiruverumbur
Trichy District
3. The Inspector of Police
Thuvakkudi Police Station
Trichy District

+1 CC to Mr.T.LENINKUMAR, Advocate (SR-103991[F] dated 09/12/2019)

+1 CC to SPL GP (SR-104203[F] dated 10/12/2019)

W.P. (MD) No.26086 of 2019

09.12.2019

VB(17.12.2019) 3P 6C