Yumkham Rother
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Item No. 7
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IN THE HIGH COURT OF MANIPUR
AT IMPHAL

MC (PIL) No. 9 of 2020
(Ref: - PIL No. 5 of 2019)

Shri Ngasepam Nilakanta Singh, aged about 52 years, S/O Ng. Achouba Singh, a resident of Tabungkhok Awang Leikai, P.O. Langjing, P.S. Patsoi, Imphal West District, Manipur, PIN-795113.

……. Applicant

- Versus –

1. The State of Manipur through the Principal Secretary (Textile, Commerce & Industries), Government of Manipur, Manipur Secretariat, P.O. & P.S. Imphal, Imphal West District, Manipur, PIN-795001.
2. The Director, Department of Trade, Commerce & Industries, Government of Manipur, P.O. P.S. Lamphel, Imphal West District, Manipur, PIN-795004.
3. The General Manager, District Industries Centre, Thoubal District, P.O. & P.S. Thoubal, Thoubal District, Manipur, Pin -795138.

…. Respondents

For the applicant : Mr. M. Rakesh, Advocate
For the Respondents : Mr. N. Kumarjit, Advocate General.

Date of Order : 01.09.2020

BEFORE
HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR
HON'BLE MR. JUSTICE KH. NOBIN SINGH

ORDER (ORAL)

Ramalingam Sudhakar, CJ

[1] The prayer in MC (PIL) No. 9 of 2020 is as follows :-

"In the present facts and circumstances, Your Lordship may graciously be pleased to issue an appropriate direction or order for releasing the seized Tata Tipper Vehicle bearing Registration No. MN 07C 3440 to the custody of the Applicant, which was seized by the Respondent No. 3 on 8th June 2020 for the ends of justice."

[2] The miscellaneous application has been filed for release of vehicle which was seized by the respondents. This Court, in similar case for release of vehicle, namely, MC (PIL) No. 10 of 2019 [Ref:- PIL No. 5 of 2019], disposed it of by order dated 20.11.2019 whereby certain directions were issued for release of vehicle on deposit of certain amount.

[3] Mr. M. Rakesh, learned counsel appearing for the applicant pleaded that he will not repeat the offence and stated that he is willing to make voluntary non-refundable deposit to any organization that the Court may direct to show his bonafide and good will.

[4] Keeping in mind the above, the miscellaneous application stands allowed with the following directions :-

(a) The applicant shall not carry on the business of lifting sand and stone for selling them to the public until the permit is issued by the State Government in accordance with law.

(b) The applicant shall co-operate with the investigation being conducted by the authorities of the Directorate of Trade, Commerce and Industries, Government of Manipur.

(c) The applicant shall deposit a sum of Rs. 5,000/- (Rupees five thousand) only, being refundable, to the Director of Trade, Commerce and Industries, being refundable, which can be adjusted against the fine, if any, that may be imposed after the proceedings initiated against the applicant is completed.

(d) The applicant volunteers to donate a sum of Rs. 10,000/- (Rupees ten thousand) only to the Manipur State Legal Services Authority.

(e) The applicant volunteers to donate a sum of Rs. 10,000/- (Rupees ten thousand) only to the Orphanage/Children home recognized by Social Welfare Department, Manipur, namely, **Eden Resource Home, "Children Home for girls", Tallui Junction, Ukhrul, Ukhrul District, having A/c No. 30020110111338 of UCO Bank.**

[5] The above directions (a), (b), (c) and voluntary undertaking as per (d) & (e) shall be complied with within two weeks from the date of receipt of a copy of the order. Subject to the production of proof of deposit as above, the vehicle can be released thereafter. Copy of the proof of deposit is to be furnished to this Court also.

The miscellaneous application stands allowed as above.

JUDGE **CHIEF JUSTICE**

FR/NFR

Sandeep