



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2020

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THE HON'BLE **MR. JUSTICE C. SARAVANAN**

W.P.(MD) No.6937 of 2020

(Through Video Conferencing)

N.Raju

... Petitioner

Vs.

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Revenue Divisional Officer,
Revenue Divisional Officer,
Illupur,
Pudukkottai District.
- 3.The Tahsildar,
Ponnamaravathi Taluk,
Pudukkottai District.
- 4.The Inspector of Police,
Karaiyur Police Station,
Pudukkottai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to release the Vehicle (JCB) bearing Registration No. TN-55BA-4854, Chassis No: 11AR3DX88L02532166 to the petitioner by considering the petitioner's representation dated 29.05.2020.

For Petitioner : Mr.G.Mathavan

For Respondents : M/s.S.Srimathy

Special Government Pleader

O R D E R

Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

2. Petitioner has filed the present Writ Petition praying for issuance of a Writ of Mandamus, directing the respondents to release the petitioner's vehicle (ie., JCB) bearing registration No. TN-55BA-4854 on the basis of the petitioner's representation dated 29.05.2020 submitted before the respondents.

3. According to the petitioner, the 3rd respondent seized the vehicle in question on 21.03.2020 at about 10.00 a.m. and till date, no order for release of the said vehicle has been passed by the respondents. Hence, the petitioner has come forward with the present Writ Petition.

4. On the other hand, it is submitted by the learned Special Government Pleader for the respondents that the vehicle in question was used for illegal mining and excavating and hence, the vehicle



was seized. He would further submit that the petitioner has no previous case.

5. In any event, as the vehicle is under the custody of the respondents from the date of seizure and considering the fact that if the same is allowed to be kept idle by exposing the same to rain and sun, it would certainly diminish its value. Therefore, this Court is of the view that the vehicle in question may be released by imposing conditions on the petitioner.

6. Accordingly, the respondents are directed to release the vehicle in question to the petitioner within a period of 7 days from the date of compliance of the below mentioned condition Nos.(i) to (iii):

- i. The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) before the jurisdictional Tahsildar concerned as non-refundable deposit. After receipt of the above said amount, the same will have to be deposited by the jurisdictional Tahsildar concerned, to the credit of the District Mines and Minerals Foundation Trust as non-refundable deposit.
- ii. The petitioner shall execute a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the concerned jurisdictional Judicial Magistrate.
- iii. The petitioner shall give an undertaking before the respondents/authority concerned stating that he will not use the vehicle in question for any illegal activities in future and shall produce the same as and when required by the respondents and also the trial Court, failing which the respondents/trial Court is/are at liberty to confiscate the vehicle.
- iv. The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned.
- v. The petitioner is also directed to participate in the enquiry to be conducted by the respondents.

7. With the above observations and directions, this Writ Petition is disposed of. No cost.

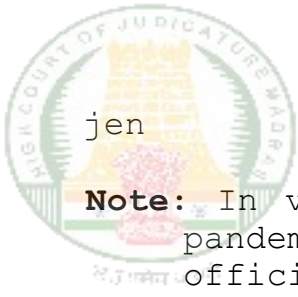
Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The District Collector,
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KB(06.07.2020) 3P 5C