



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2020

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P. (MD) No.7181 of 2020

(Through Video Conferencing)

Veda Raja Singh

... Petitioner

Vs.

1.The Assistant Director of Mines and Minerals,
Kanyakumari District.

2.The Thasildhar,
Agasteeswaram Taluk,
Kanyakumari District.

3.The Inspector of Police,
Suseendram Police Station,
Kanyakumari District.

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 2nd respondent to release the JCB vehicle of the petitioner bearing Regn. No.TN 74 AB 6763.

For Petitioner : Mr.K.P.Narayanakumar

For Respondents : Mr.S.Angappan
Government Advocate

O R D E R

1. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

2. Petitioner has filed the present Writ Petition praying for issuance of a Writ of Mandamus, directing the 2nd respondent to release the petitioner's vehicle (ie., JCB) bearing registration No. TN 74 AB 6763 on the basis of the petitioner's representation dated 06.06.2020 submitted before the 2nd respondent.



3. According to the petitioner, the 2nd respondent seized the vehicle in question on 05.06.2019 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 Government Advocate appearing 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.



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

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020
Sub Assistant Registrar(CS)

To

- 1.The Assistant Director of Mines and Minerals,
Kanyakumari District.
- 2.The Thasildhar,
Agasteeswaram Taluk,
Kanyakumari District.
- 3.The Inspector of Police,
Suseendram Police Station,
Kanyakumari District.

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SPU (08.07.2020) 3P-4C