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W.P.(MD)No.19079 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.12.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.19079 of 2020

Sindhu

... Petitioner

Vs

1.The Assistant Director of Geology and Mining,
Pudukkottai District, Pudukkottai.

2.The Revenue Divisional Officer,
Aranthangi, Pudukkottai District.

3.The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to release the petitioner's two Bullock Carts seized by the third respondent on 17.12.2019, to the petitioner.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mrs.V.P.M.Vaishnavi
Government Advocate

ORDER

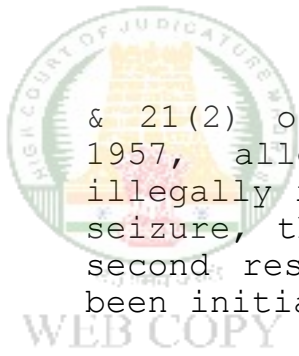
(This writ petition is heard through Video Conference)

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to release the petitioner's two Bullock Carts seized by the second respondent on 17.12.2019, to the petitioner.

2. Mrs.V.P.M.Vaishnavi, the learned Government Advocate, accepts notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. It is the case of the petitioner that she is having a two Bullock Carts for the purpose of carrying goods for her agricultural activities. According to her, on 17.12.2019, the second respondent seized the two Bullock Carts and registered a case in Crime No. 629 of 2019 under Section 379 of IPC r/w Sections 21(1)

<https://hcservices.ecourts.gov.in/hcservices/>



& 21(2) of Mines and Minerals (Development and Regulation) Act, 1957, alleging that the petitioner has transported the sand illegally in her two Bullock Carts. According to her, ever since the seizure, the said two Bullock Carts is still in the custody of the second respondent and till date, no confiscation proceedings has been initiated against the seized two Bullock Carts.

4. It is also the contention of the petitioner that the two Bullock Carts has also not been produced by the second respondent before the concerned Jurisdictional Court. According to her, the seized two Bullock Carts is kept idle in the second respondent premises in the open place and exposed to the vagaries of nature, resulting in the two Bullock Carts depreciating in value.

5. According to the petitioner, she gave a representation to the respondents on 17.02.2020 for releasing of the seized two Bullock Carts back to her. According to her, the respondents have failed to respond to the said representation. In such circumstances, she has filed this Writ Petition seeking for release of the seized two Bullock Carts.

6. Admittedly, the two Bullock Carts was seized by the second respondent on 17.12.2019 and registered a case in Crime No.629 of 2019 under Section 379 of IPC r/w Sections 21(1) & 21(2) of Mines and Minerals (Development and Regulation) Act, 1957, alleging that the petitioner has transported sand illegally in her two Bullock Carts. Admittedly, the two Bullock Carts is now in the second respondent premises and kept in the open place and exposed to the vagaries of nature and has also not been produced before the Jurisdictional Court.

7. As rightly contended by the learned counsel appearing for the petitioner, the two Bullock Carts will certainly depreciate in value, if it is allowed to remain in the open place and kept idle for a long period of time. No useful purpose will be served if the two Bullock Carts is allowed to be kept idle. In similar matters, this Court has granted release of seized vehicles to the respective petitioners subject to fulfillment of certain conditions. Therefore, this Court is inclined to grant similar relief to the petitioner subject to fulfillment of the following conditions:-

(i)the petitioner shall execute a bond for a sum of **Rs.6,000/- (Rupees Six Thousand only)** in favour of the second respondent within a period of two weeks from the date of receipt of a copy of this order.

(ii)the petitioner shall not use the two Bullock Carts for any illegal activities.

(iii)before releasing the two Bullock Carts, the police authority shall take photographs of the two Bullock Carts at the cost of the petitioner.



(iv)As and when the respondents call for the two Bullock Carts for enquiry, the petitioner has to produce the two Bullock Carts in question and she shall cooperate with the enquiry to be conducted by the respondents.

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8. Upon completion of the above mentioned formalities, the respondents shall release the two Bullock Carts to the petitioner forthwith and without any delay. If this undertaking given by the petitioner is breached, the petitioner will not be entitled for interim release of the two Bullock Carts in the future.

9. The Writ Petition is disposed of accordingly. There shall be no order as to costs.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

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 Assistant Director of Geology and Mining,
Pudukkottai District, Pudukkottai.
- 2.The Revenue Divisional Officer,
Aranthangi, Pudukkottai District.
- 3.The Inspector of Police,
Aranthangi Police Station,
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CK(CO)

TR(31.12.2020) 3P 4C