



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.03.2020**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.21261 of 2019

Ramasamy

... Petitioner

/vs./

1.The Revenue Divisional Officer,
Srirengam,
Trichy District.

2.The Tahsildar,
Srirengam Taluk,
Trichy District.

3.The Assistant Director,
Tamil Nadu Mines and Minerals Department,
Trichy District, Trichy.

4.The Inspector of Police,
Srirengam 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 respondents to release the petitioner's vehicle Ashok Leyland Pick-up Vehicle bearing Registration No.TN45BX 2495, seized by the fourth respondent Police on 01.10.2018, on the basis of the petitioner's representation dated 07.11.2018.

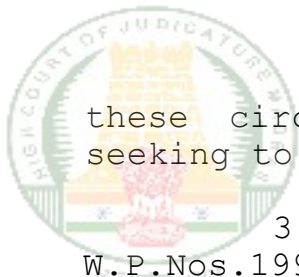
For Petitioner : Mr.M.Siddharthan

For Respondents : Mrs.J.Padmavathi Devi
Special Government Pleader

ORDER

The petitioner is facing a singular problem. His Ashok Leyland Pick-up Vehicle bearing Registration No.TN45BX 2495, was seized by the Inspector of Police, Srirengam Police Station, Trichy District, for having been transported one unit of river sand.

2.It is a specific contention of the learned counsel for the petitioner that no First Information Report has been registered and there is no record for such seizure. It is stated that the fourth respondent had seized the vehicle and informed the same to the second respondent viz., the Tahsildar, Srirengam Taluk, Trichy District and now the vehicle is under the safe custody of the Inspector of Police, Srirengam Police Station, Trichy District. In



these circumstances, the present writ petition has been filed seeking to release the said vehicle.

3. My attention has been drawn to the orders passed in W.P.Nos.19936 of 2017, 7595 and 21485 of 2018 (Muthu Vs. The District Collector, Pudukottai District, Pudukkottai), wherein, a Division Bench had imposed various conditions for release of vehicle, which has been seized while transporting the mines and minerals. It had been stated that if the seizure was subsequent to G.O.(Ms)No.135 Industries (MMA.1) Department, dated 13.11.2019, an application has to be filed only before the Jurisdictional Magistrate Court for release of the vehicle by the petitioner.

4. In this case, it appears that no First Information Report has been filed and the vehicle has not been produced before the Jurisdictional Magistrate Court by the Tahsildar, Srirengam Taluk, Trichy District.

5. The learned counsel for the petitioner therefore relied on the judgment of this Court in W.A.(MD) No.948 of 2019 (R.Ganesan Vs. The Revenue Divisional Officer, Melur, Madurai District), wherein, a Division Bench of this Court had exercised jurisdiction and released the vehicle subject to various conditions particularly, the Tahsildar should produce the vehicle before the Jurisdictional Court and the petitioner can file an appropriate application before the said Jurisdictional Magistrate Court. I shall follow the same conditions.

6. In view of the above, the Writ Petition is allowed with the following conditions:

i) the 2nd respondent/the Tahsildar, Srirengam Taluk, Trichy District, is directed to unload the river sand, which has been loaded into the Ashok Leyland Pick-up vehicle and with the assistance of the third respondent dispose of the same in accordance with the procedure, within a period of three days from the date of receipt of a copy of this order;

ii) after the river sand is removed from the above said vehicle, the 2nd respondent is directed to produce the Ashok Leyland Pick-up Vehicle before the Judicial Magistrate Court concerned, within a period of three days from the date on which the stone is removed;

iii) on the vehicle is being produced, the petitioner is directed to file an appropriate application before the learned Judicial Magistrate concerned, which shall be taken on file;

iv) the petitioner shall deposit a sum of Rs.25,000/- to the credit of the said case, within the time frame framed by the learned Judicial Magistrate concerned;



v) the Original Registration Certificate of the Ashok Leyland Pick-up vehicle shall be kept in the custody of the learned Judicial Magistrate concerned;

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vi) upon remittance of the amount as specified namely, Rs.25,000/-, the above said vehicle shall be released and interim custody be granted in favour of the petitioner;

vii) liberty is granted to the respondents to register appropriate civil or criminal proceedings against the petitioner;

7.No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

To

1.The Revenue Divisional Officer,
Srirengam,
Trichy District.

2.The Tahsildar,
Srirengam Taluk,
Trichy District.

3.The Assistant Director,
Tamil Nadu Mines and Minerals Department,
Trichy District, Trichy.

4.The Inspector of Police,
Srirengam Police Station,
Trichy District.

+1 CC to Mr.M.SIDDHARTHAN, Advocate (SR-11812[F] dated 16/03/2020)

W.P. (MD) No.21261 of 2019
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