

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.16707 of 2007

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking to declare the action of the 4<sup>th</sup> respondent in giving a complaint and the action of the 2<sup>nd</sup> respondent in registering crime No.110 of 2007, as illegal and arbitrary and quash the same.

Heard and perused the material available on record.

The case of the petitioner is that on the tender notification issued by the 1<sup>st</sup> respondent for laying WBM roads, the petitioner participated in the said tender and the work was allotted to him, and in pursuance of the proceedings issued by the 1<sup>st</sup> respondent to transport the gravel from the quarry in Sy.No.683, the petitioner executed the work. But, the 4<sup>th</sup> respondent – Tahsildar gave complaint against the petitioner stating that the petitioner is digging earth illegally, and without permission from the Mines and Geology Department. On the basis of the said complaint the 2<sup>nd</sup> respondent registered Case in Crime No.110 of 2007 for the offences under Sections 447, 427 and 379 IPC, and the vehicle of the petitioner i.e. Proclainer, was seized by the 2<sup>nd</sup> respondent. Hence, this writ petition.

When the matter is taken up for hearing, it is brought to the notice of this Court that the vehicle of the petitioner was released as per interim order, dated 24.08.2007, passed by this Court in WPMP No.21290 of 2007.

Learned Government Pleader for Mines & Geology submitted that the vehicle is involved in the above crime; that with an apprehension that the vehicle may be confiscated, the petitioner filed this writ petition for quashing the entire proceedings, and that it is for the authorities concerned to decide as to whether the vehicle can be confiscated or not.

Considering the facts and circumstances of the case and the submissions of the learned counsel for both sides, this Court is not inclined to grant the relief sought for by the petitioner. However, it is made clear that the trial Court, after completion of the trial, shall take a decision either to return or to confiscate the vehicle of the petitioner.

Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

August 08, 2017

KTL

RAJA ELANGO, J

