



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2018

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.P.[MD].Nos.22130 and 22131 of 2018

R.Nethaji : Petitioner in W.P.(MD).No.22130 of 2018
O.Anna Thavasi : Petitioner in W.P.(MD).No.22131 of 2018

Vs.

1. The District Collector,
Madurai District, Madurai.

2. The Tahsildar,
Peraiyur Taluk, Peraiyur,
Madurai District.

3. The Inspector of Police,
Elumalai Police Station,
Elumalai, Madurai District.

: Respondents 1 to 3
in W.P.(MD).Nos.22130 and 22131 of 2018

4.Thiru.R.Pachaiyappan,
S/o.Raja

: Respondent No.4
in W.P.(MD).No.22130 of 2018

PRAYER in W.P.(MD).No.22130 of 2018: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third respondent herein to release the petitioner's JCB vehicle bearing Registration No.TN-77-Y-6612, which was seized by the third respondent on 12.09.2018.

PRAYER in W.P.(MD).No.22131 of 2018: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third respondent herein to release the petitioner's Tipper Lorry vehicle bearing Registration No.TN-58-T-3304, which was seized by the third respondent on 12.09.2018.

For petitioner
For respondents 1to3

: Mr.V.Viswanathan
: Mr.N.Shanmugaselvam
Additional Government Pleader



O R D E R

[Order of the Court was made by M.M.SUNDRESH, J.]

In both the Writ Petitions, the petitioners seek release of their respective vehicles.

2. The learned Additional Government Pleader, on instructions, would submit that case has been registered for the offence under Section 379 of the Indian Penal Code.

3. Inasmuch as the case has been registered for the offence under Section 379 of the Indian Penal Code, the only remedy open to the petitioners is to approach the Jurisdictional Court. As and when any such application is filed seeking release of the vehicles, the Jurisdictional Court shall decide the issue on merits and keeping in mind the scope and spirit of Section 21(4) of the Tamil Nadu Mines and Minerals [Development and Regulation] Act, 1957.

4. The Writ Petitions are disposed of on the above terms.. No costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The District Collector,
Madurai District, Madurai.
2. The Tahsildar,
Peraiyur Taluk, Peraiyur,
Madurai District.
3. The Inspector of Police,
Elumalai Police Station,
Elumalai, Madurai District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 93828
+ 1 CC TO Mr.HEMAKARTHIKEYAN, ADVOCATE IN SR No. 93118

NB
TE/SKN/SAR-4 : 13/11/2018 : 2P/6C