

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2019

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Writ Petition No.33982 of 2019

K.Vishwanatha Naidu

...Petitioner

Vs

1.Assistant/Deputy Director,
Mines and Minerals Department of Geology and Mining,
Office of the Assistant Director (Mines and Minerals),
Collectorate Building,
Krishnagiri - 635 115.

2.The Inspector,
Hudco Police Station,
Hosur.

3.The Tahsildar,
NH Service Road, Old Pet,
Krishnagiri - 635 001.

4.The District Collector,
Krishnagiri,
Collectorate Road,
Collectorate Building,
Krishnagiri - 635 115.

.... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to release the petitioner's lorry / Tipper bearing No.KA-59-1249 with the 'Mixing/Jelly' to the petitioner within a reasonable time frame.

For Petitioner : Mr.P.J.Rishikesh

For Respondents: Mr.R.Govindasamy
Special Government Pleader

O R D E R

The writ petition is filed directing the 2nd respondent to release the petitioner's tipper lorry, since the F.I.R.No.483, dated 02.12.2019 was filed with the respect to theft of sand by Tipper Lorry bearing Registration No.KA-59-1224, which is owned by K.Vishwanatha Naidu, who is the present petitioner herein and the driver was one Siddharaj, son of Raj.

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2.The learned counsel for the petitioner stated that he had

approached the Trial Court seeking return of the lorry and the trial Court has returned the papers seeking the details of the First Information Report and whether it has been registered or not.

3.Mr.R.Govindasamy, learned Special Government Pleader takes notice on behalf of the respondents. He forwarded a copy of the F.I.R., in FIR.No.483 registered on 02.12.2019 on a complaint given by the Assistant Director, Mines and Minerals Department of Geology and Mining, Collectorate, Hosur, mentioning that Tipper Lorry bearing Registration No.KA-59-1249, was involved in theft of sand. If the petitioner clarifies this fact, there is no doubt in the mind of the Court that the concerned Magistrate Court would pass appropriate orders, since the relief of the petitioner lies only with the jurisdiction of the Magistrate Court and the Writ is not an efficacious remedy for the petitioner.

4.Accordingly, the writ petition stands dismissed, by granting liberty to the writ petitioner to approach the Magistrate Court once again for the relief. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Pns

To

1.Assistant/Deputy Director,
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+1cc to Mr.R.J.Rishikesh , Advocate SR.No. 101585

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A.SK(06/12/2019)