
R. SUBBIAH, J

and

KRISHNAN RAMASAMY, J

This writ petition is listed today under the caption "for being mentioned" at the instance of the counsel for the petitioner.

2. The petitioner has filed this Writ Petition seeking to issue a Writ of Mandamus directing the respondent to release the Tipper Lorry bearing Registration No. TN 20 AV 3657 seized by the Deputy Tahsildar, Tiruvallur, Tiruvallur District on 20.09.2018 to the petitioner.

3. By order dated 28.02.2019, this Court disposed of the above writ petition by directing the respondents to release the vehicle in question subject to certain conditions.

4. It is now brought to the notice of this Court by the petitioner that the petitioner has filed an additional affidavit on 14.02.2019 in which it was stated that prior to filing the present writ petition, he has filed a petition under Section 451 of The Code of Criminal Procedure before the learned Judicial Magistrate, Ambattur in CMP No. 760 of 2019 but the same was dismissed on 11.01.2019 by observing that the petitioner has to approach this Court under Article 226 of The Constitution of India till such time the Special Courts are constituted. According to the counsel for the petitioner, the said averments made in para No.6 were not incorporated in the order dated 28.02.2019 in WP No. 28194 of 2018 which gives an impression that the petitioner has approached this Court belatedly after the vehicle was confiscated and therefore prayed for modification of the order dated 28.02.2019.

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5. Having regard to the above submission of the counsel for the petitioner, with reference to the averments made in the additional affidavit filed on 14.02.2019 in the above writ petition, para No.3 of the order dated 28.02.2019 is deleted and in its place, the below mentioned paragraph is ordered to be substituted as para No.3..

"3, According to the petitioner, the respondent has seized the vehicle in question on 20.09.2018 on the ground of illegal carrying of savudu sand and till date, no order for release of the vehicle had been passed by the respondent. Thereafter, the petitioner has filed a petition CMP No. 760 of 2019 under Section 451 of The Code of Criminal Procedure before the learned Judicial Magistrate, Ambattur but the same was dismissed on 11.01.2019 by observing that the petitioner has to approach this Court under Article 226 of The Constitution of India till such time the Special Courts are constituted. Hence, the petitioner has come forward with this writ petition."

6. In all other respects, the order dated 28.02.2019 shall remain unaltered.

सत्यमेव जयते

(R.P.S.J.,) (K.R.J.,)

19-03-2019

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WP No. 28194 of 2018