



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD) No.11674 of 2019

A.Baskar

... Petitioner

vs.

1.The State through
the Sub-Inspector of Police
Anjugramam Police Station
Kanyakumari District
(Crime No.10/2019)

2.The Assistant Director
Mines & Mineral Department
Office of the District Collector Campus
Kanyakumari District

3.Tahsildar
Office of the Tahsildar Campus
Agastheeswaram Taluk
Kanyakumari District

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to release the petitioner lorry bearing registration No.TN74 L3466 and handed over the same to the petitioner.

For Petitioner : Mr.Niranjana S.Kumar

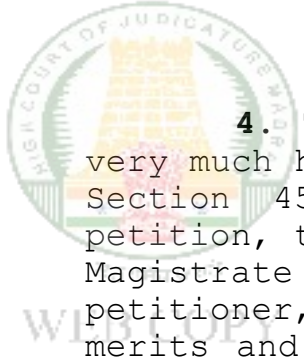
For Respondents : Mr.A.K.Baskara Pandian
Additional Government Pleader

O R D E R

Heard the learned counsel on either side.

2. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3. When the matter was taken up for hearing, the learned counsel appearing for the petitioner submitted that the vehicle in question was produced before the jurisdictional Magistrate and that the application was dismissed, on the ground that the petitioner must move the Special Court.



4. This Court makes it clear that the learned Magistrate is very much having the jurisdiction to entertain the application under Section 451 Cr.P.C. Therefore, even while closing the writ petition, the petitioner is given liberty to move the jurisdictional Magistrate afresh and on filing such fresh application by the petitioner, the learned Magistrate is directed to dispose it of on merits and in accordance with law. With this liberty to the writ petitioner, the Writ Petition is closed. No costs.

Sd/-

Vacation Officer

/ True Copy /

Sub Assistant Registrar (CS-IV)

rmk / krk

To:

1. The Sub-Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.
2. The Assistant Director,
Mines & Minerals Department,
Office of the District Collector Campus,
Kanyakumari District.
3. The Tahsildar,
Office of the Tahsildar Campus,
Agastheeswaram Taluk,
Kanyakumari District.

+1 CC to M/s. NIRANJAN S. KUMAR, Advocate
(SR-65559[F] dated 09/05/2019)

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ES/09.05.2019/2P/5C