



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

**W.P.(MD)No.10393 of 2019**

Maridurai

... Petitioner

Vs

1.The Assistant Director,  
Mines and Minerals Department,  
Tirunelveli District.

2.The Revenue Divisional Officer,  
Tenkasi,  
Tirunelveli District.

3.The Inspector of Police,  
Chokkampatti Police Station,  
Tirunelveli District.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to release the Tractor bearing Registration No.TN-29-BJ-0164 with Trailer bearing Registration No.TN.47-R-0231 from the 3<sup>rd</sup> respondent custody from 07.03.2019.

For Petitioner : Mr.K.Palmurugan

For Respondents : Mr.K.Mu.Muthu  
Additional Government Pleader

**ORDER**

Heard the learned counsel on either side. By consent of both parties this writ petition is taken up for final disposal at the admission stage itself.

***(\*)2. The petitioner's vehicle was seized by the police in connection with criminal case pertaining to illegal transportation of sand. It has since been produced before the learned Jurisdictional Magistrate. Therefore, this writ petition is not maintainable. The petitioner has to move the Jurisdictional Magistrate for release. It is made clear that the Magistrate would very much have the jurisdiction to entertain and dispose of such an application***

<https://hcservices.ecourts.gov.in/hcservices/>  
3. The petitioner is permitted to move the learned jurisdictional Magistrate under Section 451 Cr.P.C., and the learned Jurisdictional Magistrate is directed to entertain the



application and dispose the same on merits and in accordance with law.

4. With the above liberty, the Writ Petition is closed. No costs.

WEB COPY

Sd/-

Assistant Registrar(Records)  
(Dated: 27.04.2019)

**(\*)Amended as per order of  
this Court dated 30.05.2019**

Sd/-

Vacation Officer/  
Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

Ias

(\*)to be substituted to the order  
already despatched on 27.04.2019

To:

- 1.The Assistant Director,  
Mines and Minerals Department,  
Tirunelveli District.
- 2.The Revenue Divisional Officer,  
Tenkasi,  
Tirunelveli District.
- 3.The Inspector of Police,  
Chokkampatti Police Station,  
Tirunelveli District.

+1CC TO MR.K.PALMURUGAN, Advocate Sr. No.63265

**W.P.(MD)No.10393 of 2019**  
**26.04.2019**

NR(CO)

TR (31.05.2019) 2P 5C