



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.05.2019

CORAM:

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

W.P.(MD)Nos.11761 and 11839 of 2019

WEB COPY

Sugumar

... Petitioner in W.P.(MD)No.11761 of 2019

Prabhu

... Petitioner in W.P.(MD)No.11839 of 2019

Vs

1.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

2.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.

3.The Assistant Director of Geology and Mining,
Sivagangai,
Sivagangai District.

... Respondents in both

W.Ps

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, direction the respondents to release the petitioner's vehicle of Ashok Leyland Tipper Lorry and Bolero Maxi Truck bearing Registration Nos:TN 40 A 8339 and TN 48 W 3036 respectively, and to hand over the above vehicle to the petitioners, by considering the petitioners' representation dated 26.04.2019 respectively, within the time limit that may be stipulated by this Court.

(in both W.Ps)

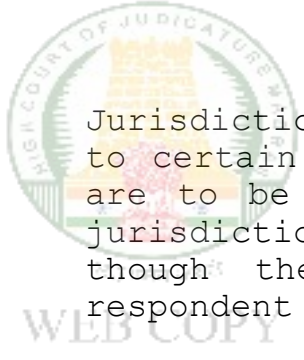
For Petitioner : Mr.M.S.Jeyakarthik

For Respondents : Mr.A.Muthu Karuppan
Additional Government Pleader

COMMON ORDER

Heard the learned counsel on either side. By consent of both parties, the writ petitions are taken up for final disposal at the admission stage itself.

In both writ petitions, the vehicles belonging to the writ petitioners were seized on the ground that they were engaged in illegal transportation of sand. The vehicles were produced before the Jurisdictional Magistrate and crime numbers had been registered. The petitioners filed a petition under Section 457 of Cr.P.C. for return of the petition mentioned vehicles. The learned



Jurisdictional Magistrate directed to release the vehicles subject to certain conditions. One of such condition is that the vehicles are to be returned upon conclusion of the proceedings before the jurisdictional authority. The petitioners' grievance is that even though the order was passed quite sometime back, the first respondent has not returned the vehicles.

3.The learned Additional Government Pleader appearing for the respondents submitted that the first respondent is having some doubt with regard to the orders passed by the learned Jurisdictional Magistrate and that is why, the matters have been kept pending. When the Jurisdictional Magistrate has given a direction that the vehicles are to be returned upon conclusion of the proceedings, the authority is obliged to conclude the proceedings. At this stage, the learned Additional Government Pleader submitted that the first respondent will conclude the proceedings within a period of two weeks from today.

4.The writ petitions are disposed of with this direction. No costs.

Sd/-

Vacation Officer ()

// True Copy //

Sub Assistant Registrar(CS)

To:

1.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

2.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.

3.The Assistant Director of Geology and Mining,
Sivagangai,
Sivagangai District.

+1cc to Mr. M.S.JEYAKARTHIK, Advocate, SR.No.65648, 65647

W.P. (MD) Nos.11761 and 11839 of 2019

09.05.2019

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