



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.11843 of 2019

Gnana Sekar

... Petitioner

Vs.

1. The District Collector,
Trichy District.
2. The Assistant Director,
Mines and Minerals Department,
Collectorate, Trichy.
3. The Revenue Divisional Officer,
Srirangam, Trichy District.
4. The Tahsildar,
Srirangam, Trichy District.
5. The Inspector of Police,
Srirangam Police Station,
Trichy District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the petitioner's Hero Splendor Plus two wheeler bearing registration No.TN 48 M 9031.

For Petitioner : Mr.P.Ganapathi Subramanian

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

O R D E R

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 two wheeler was seized on the ground that it was involved in illegal transportation of sand. The petitioner moved the jurisdictional Magistrate. But the petition was dismissed on the ground that the petitioner will have to move the Writ Court. Therefore, the petitioner has filed this Writ petition.



3. This Court is of the view that the jurisdictional Magistrate alone will have the authority to consider the application for release of vehicle. This Court therefore even while closing this Writ petition, permits the petitioner to file a fresh application under Section 451 Cr.P.C. for release of the vehicle before the jurisdictional Magistrate. The jurisdictional Magistrate is directed to entertain the application and dispose of the same on merits and in accordance with law, immediately thereafter.

4. With this liberty, this Writ petition stands closed. No costs.

Sd/-

Vacation Officer/
Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

pmu

To

1. The District Collector, Trichy District.
2. The Assistant Director,
Mines and Minerals Department,
Collectorate, Trichy.
3. The Revenue Divisional Officer,
Srirangam, Trichy District.
4. The Tahsildar, Srirangam, Trichy District.
5. The Inspector of Police,
Srirangam Police Station, Trichy District.

+1CC TO MR.P.GANAPATHI SUBRAMANIAN, Advocate Sr. No. 65665

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