



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.05.2018

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P (MD) No.12256 of 2019

R.Thiyagu

... Petitioner

VS.,

1.The Assistant Director of
Geology and Mining,
Trichy District,
Trichy.

2. The Revenue Divisional Officer,
Srirangam,
Trichy District.

3. The Sub Inspector of Police,
Srirangam Police Station,
Trichy City.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 2nd respondent herein to release the petitioner's Lorry bearing Registration No.TN-58-6247 seized by the 3rd respondent on 06.04.2019, to the petitioner.

For Petitioner : Mr.A.Chandrakumar

For Respondents : Mr.S.Dhayalan,
Government Advocate

ORDER

This Writ Petition has been filed seeking a direction to the 2nd respondent herein to release the petitioner's Lorry bearing Registration No.TN-58-6247 seized by the 3rd respondent on 06.04.2019, to the petitioner.

2. Mr.S.Dhayalan, learned Government Advocate takes notice for the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The learned counsel appearing for the petitioner submitted that the petitioner's vehicle was seized by the respondent police in connection with criminal case pertaining to illegal transportation of sand. It was also produced before the learned Judicial Magistrate No.III, Trichy. The learned counsel further submitted that already the petitioner has filed an application for



release of vehicle before the Judicial Magistrate Court No.III, Trichy and the same was returned.

4.The learned counsel for the petitioner has brought to the notice of this Court an earlier order passed by this Court in W.P.(MD)No.11777 of 2019, dated 08.05.2019, and submitted that in similar circumstance, the learned Single Judge has granted liberty to the petitioner to move the learned Judicial Magistrate under Section 451 Cr.P.C. and directed the learned Judicial Magistrate to entertain the application and dispose the same on merits and in accordance with law. Since the issue involved in this case is identical to the one involved in the aforesaid case, he prayed this Court that a similar order may be passed in the Writ Petition also.

5. Considering the submission of the learned counsel appearing for the petitioner, this Court grants liberty to the petitioner to file a petition before the Judicial Magistrate Court No.III, Trichy, for release of vehicle. On such application being filed, the learned Judicial Magistrate No.III, Trichy, is directed to pass orders on the said application on merits. In case the learned Judicial Magistrate No.III, Trichy, is willing to release the vehicle, a sum not less than Rs.1,00,000/- shall be collected from the petitioner.

6.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Vacation Officer/
Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

smn2/sts

To

1.The Judicial Magistrate, NO.III, Trichy.

2.The Assistant Director of
Geology and Mining,
Trichy District,
Trichy.

3. The Revenue Divisional Officer,
Srirangam,
Trichy District.



4. The Sub Inspector of Police,
Srirangam Police Station,
Trichy City.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.P.MANI ANANDH, Advocate Sr. No.66222

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 66274

Order made in
W.P (MD) No.12256 of 2019
Dated **22.05.2019**

SCR(CO)

TR (27.05.2019) 3P 8C