



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**
W.P. (MD) No.4575 of 2019

Dhandidevan

... Petitioner

Vs

- 1.The District Collector,
Collector office,
Sivagangai - 630 562.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai - 630 561.
- 3.The Assistant Director,
Geology and Mining Department,
Sivagangai- 630 562.
- 4.The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai - 630 610.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to release the petitioner's vehicle bearing registration No.TN 48 K 5496 within stipulated time that may be fixed by this Court.

For Petitioner	: Mr.R.Karunanidhi
For Respondents	: Mr.M.Karuppasamy
	Government Advocate

ORDER

Heard the learned counsel on either side.

2.The petitioner seeks release of the petition mentioned vehicle that was seized on 13.09.2018. The petitioner's prayer is opposed by the fourth respondent who was filed a detailed counter affidavit.

3.When the matter was taken up on the previous occasion, the learned Government Advocate on instructions from the fourth respondent informed this Court that this writ petition has not been filed by the petitioner at all and that the name of the petitioner appears to have been forged. This Court, therefore directed the petitioner's counsel to produce the writ petitioner in person before this Court. Today(04.03.2019) Mr. Thandi Thevan, S/o. Rasu is present in person before me. He also produced the Aadhaar Card in support of his identity. The petitioner's vehicle was seized in



connection with Crime No.127 of 2018.

4.This Court went through the contents of the said First Information Report. A mere reading of the First Information Report averments would show that the allegations had been made primarily against one Kaleeswaran and three others. The lorry in question was not seized in the crime spot. Even the number of lorry appears to have been introduced as an after thought. More than anything else, the vehicle has not been produced before the jurisdictional Magistrate till date. It means, for the last more than 5 ½ months, the lorry is in the custody of the police. When a property has been seized in connection with a criminal case, it is incumbent on the part of the police authority to produce the same before the jurisdictional Magistrate.

5.The learned counsel for the petitioner states that the petitioner has filed Crl.O.P.(MD)No.3330 of 2019 for restraining the police from harassing him. The petitioner's counsel also informs the Court that W.P.(MD)No.19682 of 2018 was filed by Chinnamari who happens to be the petitioner's relative. The said writ petition is directed against illegal quarrying. An interim order has also been passed in the said writ petition on 12.09.2018. The petitioner states that as a counter blast, the petitioner is being targeted.

6.I am swayed by one consideration. The police strongly asserted that Thandithevan did not file this writ petition. Today, it is established that Thandithevan had actually filed this writ petition. Therefore, I am inclined to direct the fourth respondent to return the petition mentioned vehicle forthwith and without any delay.

7.Accordingly, this writ petition is allowed. No costs.

Sd/-

Assistant Registrar (CS III)

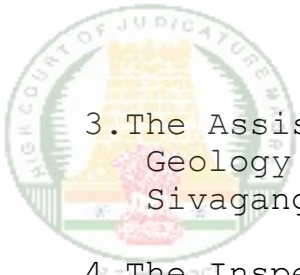
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Sub Assistant Registrar(CS)

To

1.The District Collector,
Collector office,
Sivagangai - 630 562.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai - 630 561.



3.The Assistant Director,
Geology and Mining Department,
Sivagangai- 630 562.

4.The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai - 630 610.

+1cc to Mr.M.KARUNANIDHI, Advocate, SR.No.51577
+1cc to M/s.Special Government Pleader,SR.No. 51738

W.P. (MD) No.4575 of 2019
04.03.2019

PNN
KK/SAR-/13.03.2019/3P-7C