



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP (MD) No.5351 of 2019

WEB COPY

Balasubramani

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Kulithalai, Karur District.

2.The Assistant Director,
Mines and Minerals Department, Karur District.

3.The Inspector of Police,
Thogaimalai Police Station,
Kulithalai Taluk, Karur District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to release my Multi Axle Goods Vehicle bearing Registration No.TN 52 C 1669, Engine No.TBE151766Z, Chasis No.MBIKADYCIBETF6947, seized by the third respondent police, by considering my representations dated on 28.02.2019 within a time stipulated by this Court.

For Petitioner : Mr.V.Karuna

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 illegal transportation of sand. It was produced before the concerned jurisdictional magistrate. The petitioner applied for release of the said vehicle under Section 451 of Cr.PC. The petitioner's grievance is that the application filed by him is still pending. The jurisdictional magistrate is probably under the impression that he cannot dispose of such application.



3. Therefore, this Court has to hold that he is competent to entertain such application as the Code of Criminal Procedure confers power on him under Section 451. Therefore, the jurisdictional magistrate shall dispose of the petitioner's application on merits and in accordance with law immediately and without any delay.

4. Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Revenue Divisional Officer,
Kulithalai, Karur District.

2. The Assistant Director,
Mines and Minerals Department, Karur District.

3. The Inspector of Police,
Thogaimalai Police Station,
Kulithalai Taluk, Karur District.

+1cc to M/s. Special Government Pleader, SR.No.

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SKM

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