



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 5590 of 2019

Sam Daniel

... Petitioner

Vs.

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2. The Sub-Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District,

3. The Assistant Director,
Mines and Minerals,
Kanyakumari District,
Nagercoil.

4. The Revenue Divisional Officer,
Padmanabapuram,
Present at Tuckalay,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the second respondent to release the petitioner's vehicle Mahindra Tipper (Mini Tempo) Lorry bearing Reg.No.TN 45 AQ 9163 in Cr.No.323 of 2018 on the file of second respondent police, within the stipulated time fixed by this Court.

For Petitioner : Mr.M.Sankar

For Respondents : Mr.R.Sethuraman

Special Government Pleader

ORDER

The petitioner's vehicle was seized in connection with illegal transportation of sand. The same has been produced before the Jurisdictional Magistrate. The Magistrate however declined to give relief to the petitioner. This Court permits the petitioner to move the Jurisdictional Magistrate once again by filling a petition under Section 451 of Cr.P.C., The Jurisdictional Magistrate is directed to entertain the said petition and dispose of the same on merits and in accordance with law.



2. With this liberty to the petitioner, this writ petition stands closed. No costs.

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Sd/-

Assistant Registrar (CS-I)

/ True Copy /

Sub Assistant Registrar (CS-II)

To

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.
2. The Sub-Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District,
3. The Assistant Director,
Mines and Minerals,
Kanyakumari District,
Nagercoil.
4. The Revenue Divisional Officer,
Padmanabapuram,
Present at Tuckalay,
Kanyakumari District.

+1 CC to M/s.M.SANKAR, Advocate (SR-53001[F] dated 11/03/2019)

+1 CC to M/s.SPL GP (SR-53351[F] dated 12/03/2019)

W.P. (MD) No.5590 of 2019
11.03.2019

RMI
ES/12.03.2019/2P/7C