



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**
W.P. (MD) No.6061 of 2019

Balamurugan

... Petitioner

Vs

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Assistant Director of Mines and Minerals,
Ramanathapuram District,
Ramanathapuram.

3.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

4.The Revenue Divisional Officer,
Ramanathapuram District,
Ramanathapuram.

5.The Inspector of Police,
Kenikarai police station,
Ramanathapuram District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 5th respondent to release the petitioner's Tipper Lorry bearing registration No.TN 22 CA 2667, within a stipulated time frame fixed by this Court.

For Petitioner	: Mr.J.Jeyakumaran
For Respondents	: Mr.K.Karuppasamy
	Government Advocate

ORDER

Heard the learned counsel on either side.

2.The petition mentioned vehicle was seized by the fifth respondent police on the ground that it was involved in illegal transportation of sand on 02.03.2019. In this regard, a criminal case has also been registered. The petitioner, without prejudice to his contention, is willing to deposit a sum of Rs.50,000/- to the concerned District Mineral Foundation Trust. Upon proof of payment, the fifth respondent is directed to return the vehicle to the petitioner forthwith and without any delay.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned counsel for the petitioner strongly contended



that the vehicle in question was not involved in any illegal activities. According to him, it was in a stationary condition. He would allege that the police themselves have filled the trailer or the tractor with sand and fabricated this case against the petitioner. In this regard, the local villagers have given a joint complaint. It is enclosed at page number-8 of the typed set of papers. The learned counsel for the petitioner would further allege that when employing the JCB, sand was being loaded into the trailer, a police man is said to have been present and he was in mufti.

4. Therefore, the issue calls for an enquiry by the third respondent. The third respondent is directed to enquire into the representation dated 06.03.2019, which is enclosed at page no.7 of the typed set of papers.

5. If at the end of the enquiry, the petitioner's innocence is established, the First Information Report registered against the petitioner can be dropped by the respondent and the amount of Rs.50,000/- deposited by the petitioner can be withdrawn by him.

6. Accordingly, this writ is allowed on these terms. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Assistant Director of Mines and Minerals,
Ramanathapuram District,
Ramanathapuram.
3. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
4. The Revenue Divisional Officer,
Ramanathapuram District,
Ramanathapuram.



5.The Inspector of Police,
Kenikarai police station,
Ramanathapuram District.

+1cc to Mr.J.JEYAKUMARAN, Advocate, SR.No. 54262

+1cc to M/s.Special Government Pleader,SR.No. 54313

W.P. (MD) No. 6061 of 2019

IAS

KK/SAR-/15.03.2019/3P-8C