



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.6822 of 2019

K.Veeramani

... Petitioner

Vs

1.The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

2.The Inspector of Police,
Ammamet Police Station,
Thanjavur.

3.The Assistant Director,
Mines and Minerals Department,
Thanjavur District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to release the mini lorry of the petitioner bearing registration No.TN31 AS 0911.

For Petitioner : Mr.C.M.Arumugam

For Respondents : Mr.M.Rajarajan
Government Advocate

ORDER

Heard the learned counsel on either side.

2.The petitioner claims that he is running a brick manufacturing unit at Melattur Nangu Seththi, Nimmeli. He is also owning the petition mentioned vehicle. He had purchased it from one Somasundaram and the name of the petitioner is yet to be entered in the RC Book. According to the petitioner, eventhough he had not committed any violation of law, his vehicle was illegally taken away by the second respondent. Seeking its release this writ petition has been filed.

<https://hcservices.ecourts.gov.in/hcservices/>
3. When the matter was taken up for hearing, the learned Government Advocate appearing for the respondents claimed that the petitioner's vehicle was seized when it was engaged in illegal



transportation of sand and that the writ petitioner escaped on being intercepted. The police seized the vehicle and brought it to the police station.

WEB COPY

4.The learned Government Advocate also produced a copy of the First Information report in Crime No.260 of 2018 registered on 11.10.2018 under Section 399 of IPC and Section 3(1) of TNPPDL Act, 1992.

5.A mere reading of the said First Information Report gives an impression that it has been cooked up to implicate the writ petitioner. Be that as it may, if really the petitioner's vehicle was involved in the commission of offence, the second respondent would have definitely registered a First Information Report. In this case, admittedly, no such First Information Report has been registered. The second respondent has merely prepared a seizure mahazar and sent a communication to the Sub Collector, Kumbakonam.

6.In the First Information Report in Crime No.260 of 2018, there is no reference to the seizure of the vehicle. Non-registration of any First Information Report following the seizure of the petition mentioned vehicle and the content of the First Information Report in Crime No.260 of 2018 impel me to come to the conclusion that the case projected by the petitioner is more probable. However, these observations are made only for the purpose of granting relief in this writ petition and they will not be taken in advantage elsewhere.

7.The respondents are directed to release the petitioner's vehicle forthwith and without any delay.

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

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS IV)



To

1.The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

2.The Inspector of Police,
Ammamet Police Station,
Thanjavur.

3.The Assistant Director,
Mines and Minerals Department,
Thanjavur District.

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-57549[F] dated 28/03/2019)

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DS/ /SAR- (28.03.2019) 3P 5C