



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.8792 of 2019

Balasubramanian

... Petitioner

Vs

- 1.The District Collector,
Tanjore District,
Tanjore.
- 2.The Revenue Divisional Officer,
Tanjore District,
Tanjore.
- 3.The Assistant Director,
Mines and Minerals Department,
Tanjore District.
- 4.The Tasildhar,
Musiri Taluk,
Tanjore District.
- 5.The Inspector of Police,
Budalur Police Station,
Tanjore District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the representation sent by this petitioner dated 05.04.2019 and direct the respondents to release his Asok Leyland Lorry bearing Registration No.TN 57 U 7884 seized by the 5th respondent on 07.03.2018 and hand over the same to this petitioner.

For Petitioner : Mr.J.William Christopher
For Respondents : Mr.K.Mu.Muthu
Additional Government Pleader

ORDER

The petition mentioned lorry was seized in connection with illegal transportation of sand. It was produced before the Jurisdictional Magistrate. It is stated that the learned Magistrate passed an order, directing interim release of the vehicle. But then, due to subsequent developments, the learned Magistrate is declined to accept the surety.

2.I am of the view that since the Special Court is yet to be constituted, the learned Magistrate is very much having authority and jurisdiction to grant the relief. In this case, an order had already been passed in favour of the writ petitioner for release of vehicle. The learned Magistrate is directed to accept the petitioner's surety in terms of the earlier order passed.



3. With this direction, the writ petition is disposed of . No costs.

Sd/-

Assistant Registrar(Records)

WEB COPY

/True Copy/

Sub Assistant Registrar(CS-)

To:

1. The District Collector,
Tanjore District,
Tanjore.
2. The Revenue Divisional Officer,
Tanjore District,
Tanjore.
3. The Assistant Director,
Mines and Minerals Department,
Tanjore District.
4. The Tasildhar,
Musiri Taluk,
Tanjore District.
5. The Inspector of Police,
Budalur Police Station,
Tanjore District.

+1cc to Mr.J.William Christopher, Advocate, SR.No.60437

+1cc to Special Government Pleader, SR.No.60725

W.P. (MD) No.8792 of 2019
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SP/12.04.2019/ 2P/8C