



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2019

CORAM:

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

W.P. (MD) No.9160 of 2019

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R.Durairaj

... Petitioner

Vs

- 1.The Revenue Divisional Officer,
Senkottai Revenue Divisional,
Tirunelveli District.
- 2.The Assistant Director,
Department of Geology and Mines,
Tirunelveli District.
- 3.The Tahsildar,
Senkottai Taluk,
Tirunelveli District.
- 4.The Executive Engineer,
Public Works Department,
Sitraru Vadinila Kottam,
Thenkasi.
- 5.The Inspector of Police,
Achanpudur Police Station,
Tirunelveli District.
- 6.A.Vavaydeen,
President,
Karisalkulam Kudimaramth
Pasana Vivasayigal Sangam,
Reg No.54/2018,
No.1/1, Jahir Hussain Nagar,
4th Street, Vadakarai,
Senkottai Taluk,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents herein to pass appropriate orders to release the JCB of the petitioner bearing Reg No. TN 76 AL 0175 which was seized by the fifth respondent.

For Petitioner : Mr.B.Ramanathan

For R1 to R5 : 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.

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2. The petitioner's vehicle was seized on the ground that it was engaged in illegal transportation of sand. But, a perusal of the materials on record indicates that the petitioner is a Government Contractor and that the sand was being transported only for Government Contract works. In view of the same, the respondents has to release the same.

3. When this Court was to allow the writ petition, it was submitted that the vehicle in question has been produced before the jurisdictional Magistrate. Therefore, the petitioner is given liberty to file an application under Section 451 Cr.P.C., before the jurisdictional Magistrate. The learned Magistrate shall entertain the same and allow the said application without imposing any condition

4. The Writ Petition is disposed of on these terms. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar(CS-)

To

- 1.The Revenue Divisional Officer,
Senkottai Revenue Divisional,
Tirunelveli District.
- 2.The Assistant Director,
Department of Geology and Mines,
Tirunelveli District.
- 3.The Tahsildar,
Senkottai Taluk,
Tirunelveli District.
- 4.The Executive Engineer,
Public Works Department,
Sittraru Vadinila Kottam,
Thenkasi.



5.The Inspector of Police,
Achanpudur Police Station,
Tirunelveli District.

+1cc to Mr.B.Ramanathan,Advocate, SR.No.61052

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SP/15.04.2019/ 3P/7C

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