



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**
W.P. (MD) No.9530 of 2019

WEB COPY
Selvarani

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Tirunelveli District, Tirunelveli.
- 3.The Assistant Director of Mine,
Tirunelveli, Tirunelveli District.
- 4.The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli,
Tirunelveli District.
(Crime No.337 of 2018)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to release the petitioner's lorry bearing Registration No.TN 76 T 3028, Chassis No.MB1AA22E2CRTI6062, Engine No.TCH016192P, Ashok Leyland Dost by considering the petitioner's deposit receipt RC.No.M3/48107/2018 dated 22.02.2019 as directed by this Court order in W.P.(MD)No.2809 of 2019 dated 08.02.2019 within the time limit stipulated by this Court.

For Petitioner : Mr.S.Krishan
For Respondents : Mr.M.Rajarajan
Government Advocate

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.

2. The petitioner seeks release of the petition mentioned vehicle, which was detained in connection with illegal transportation of sand. The vehicle was produced before the Jurisdictional Magistrate. The petitioner submitted an application seeking its release. The learned Magistrate declined to entertain the said application.



3. This Court makes it clear that the Magistrate is very much having the jurisdiction to entertain and dispose of the application on merits and in accordance with law. Therefore, the petitioner is directed to resubmit the application or file a fresh application before the Jurisdictional Magistrate for release of the vehicle. The Jurisdictional Magistrate is directed to entertain the application and dispose it of on merits and in accordance with law.

4. With this liberty, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS III)

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To

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Tirunelveli.
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Tirunelveli District.

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