



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**
W.P. (MD) No.9570 of 2019

WEB COPY
Saraswathi

... Petitioner

Vs

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Inspector of Police,
Vadasery Police Station,
Kanyakumari District.
(Crime No.12/2019)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the second respondent to release the Taurus Lorry (Multi-Axle Goods Vehicle) bearing registration No.TN-28-AE-2748 seized by the second respondent in connection with FIR in Crime No.12 of 2019 dated 07.01.2019 and produced before the learned Judicial Magistrate No.II, Nagercoil in R.P.No.35 of 2019 to the petitioner.

For Petitioner : Mr.P.M.Vishnuyvarthanan
For Respondents : Mr.M.Karuppasamy
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.

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Sd/-

Assistant Registrar(co)

// True Copy //

Sub Assistant Registrar(CS III)

To

- 1.The District Collector,
Kanyakumari District,
Kanyakumari.
- 2.The Inspector of Police,
Vadasery Police Station,
Kanyakumari District.

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