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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2019

CORAM:

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

W.P. (MD) No.9825 of 2019

Mohammed Ismail

... Petitioner

Vs

1.The Revenue Divisional Officer,
Senkottai Revenue Division,
Tirunelveli District.

2.The Assistant Director,
Department of Geology and Mines,
Senkottai, Tirunelveli District.

3.The Tasildhar,
Senkottai Taluk,
Tirunelveli District.

4.The Executive Engineer,
Public Works Department,
Sittraru Vandinila Kottam,
Thenkasi.

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

6.A.Vavamydeen,
President, Karisalkulam Kudimaramath
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, directing the respondents herein to pass appropriate orders to release the Tractor of the petitioner bearing Registration No.TN 76 A 5734, which was seized by the 5th 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 (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

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To

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



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

COPY TO

The Chief Judicial Magistrate, Tirunelveli.

+1CC TO MR.B.RAMANATHAN, Advocate Sr. No.62202

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 62739

W.P. (MD) No. 9825 of 2019

24.04.2019

TR (29.04.2019) 3P 9C