



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM:

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THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD)Nos.20395, 20430 and 20446 of 2019

V.Essaki Pandi ... Petitioner in WP(MD)No.20395/2019
Shiek Sulaiman ... Petitioner in WP(MD)No.20430/2019
T.Muthukumar ... Petitioner in WP(MD)No.20446/2019

Vs.

1.The Special Deputy Tahsildar,
(Mines),
Tirunelveli,
Tirunelveli District.

2.The Sub Inspector of Police,
Chokkampatti Police Station,
Tirunelveli District.

... Respondents in all W.Ps.

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondents to release the petitioners' vehicles namely tipper lorry bearing Reg No.TN.72-B-H-9481; Swaraj Mazda Tipper Lorry bearing Reg. No.TN.74-AR-7288 and Tipper Lorry bearing Reg.No.TN.21-H-7024 respectively.

For Petitioners : Mr.V.Kathirvelu
Senior Counsel
for Mr.K.Prabhu,

For Respondents : Mr.P.Kannithevan
Additional Government Pleader
in all writ petitions.

COMMON ORDER

The petitioners seek for a writ of mandamus directing the respondents to release their vehicles namely tipper lorry bearing Reg.No.TN.72-B-H-9481; Swaraj Mazda Tipper Lorry bearing Reg.No.TN.74-AR-7288 and Tipper Lorry bearing Reg.No.TN.21-H-7024 respectively.



2.By consent, the writ petitions are taken up for final disposal at the stage of admission itself.

3.According to the petitioners, the first respondent has seized the petitioners' vehicles stating that without valid permit, the vehicles in question were used for transportation of Jalli and sand and now the vehicles are under the custody of the second respondent.

4.It is seen from the Athatchi issued for seizure of the vehicles that the first respondent has seized the vehicles and handed over to the second respondent. Since the District Court is designated as Special Court to deal with the matters relating to mines and minerals, the petitioners presented petitions under Section 457 Cr.P.C., for return of vehicles. But the same were returned with an endorsement as to maintainability of the petitions before registration of FIR.

5.A perusal of Athatchi issued by the first respondent reveals that the vehicles in question were seized and handed over to the concerned police station. In such circumstances, the affidavit filed by the petitioners that the vehicles are lying with the second respondent and that the second respondent refused to return the vehicles is borne out by records. Non registration of FIR reveals the lethargic and indifferent attitude of the second respondent. The petitions cannot be returned by the Special Court for not providing FIR number. Under such circumstances, the Special Court viz., Sessions Court, Tirunelveli is directed to entertain the petitions, deal with the matters in accordance with law and dispose of the petitions filed for return of the vehicles in question within a period of two weeks.

6.The writ petitions are disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS-III)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Special Deputy Tahsildar,
(Mines),
Tirunelveli,
Tirunelveli District.

2.The Sub Inspector of Police,
Chokkampatti Police Station,
Tirunelveli District.

<https://hcservices.courts.gov.in/hcservices/>



3. The Special Court viz.,
Sessions Court, Tirunelveli.

+3 CC to M/s.K.PRABHU, Advocate SR-88526 to 885268
+1 cc to Special Government Pleader, SR.No. 89043

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