



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P (MD)No.21519 of 2019

WEB COPY

C.Shanthi

... Petitioner

Vs.

1.The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Periyakulam, Theni District.

2.The Assistant Director,
Mines and Minerals Department,
Theni District, Theni.

3.The Tahsildar,
Aundipatti Taluk, Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, to direct the respondents to release the petitioner's Tractor bearing registration No. TN 60 H 3117 and its trailer seized by the respondents on 12.09.2019, on the basis of the petitioner's representation dated 27.09.2019.

For Petitioner : Mr.P.Senguttuarasan
For Respondents : Mrs.Padmavathi Devi,
Special Government Pleader.

O R D E R

This Writ Petition has been filed to direct the respondents to release the petitioner's Tractor bearing registration No. TN 60 H 3117 and its trailer seized by the respondents on 12.09.2019, on the basis of the petitioner's representation dated 27.09.2019.

2.The petitioner's vehicle bearing registration No. TN 60 H 3117 and its trailer was seized by the second respondent on 12.09.2019 for transporting sand.

3.The case of the petitioner is that the alleged seizure mahazar would show that the tractor was seized, when it was returning back after unloading the sand. The allegation is totally false and that the petitioner's tractor never transported any sand. Therefore, she seeks release of her vehicle. For the past 40



days her vehicle is lying with the respondent.

4.The normal procedure followed in these matters is that the third respondent shall lodge a criminal complaint and on the basis of the FIR. But, on instructions, it is stated that the third respondent is yet to lodge a criminal complaint. Therefore, a direction is given to the third respondent to take a decision either to lodge the FIR or release the vehicle. If FIR is filed, it is open to the petitioner to approach the Special Court for release of her vehicle. On such petition being filed, the Special Court is directed to entertain the same and pass appropriate orders in accordance with law.

5.In view of the above, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

das

To

1.The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Periyakulam, Theni District.

2.The Assistant Director,
Mines and Minerals Department,
Theni District, Theni.

3.The Tahsildar,
Aundipatti Taluk, Theni District.

+1 CC to M/s.SPL GP (SR-96056[F] dated 05/11/2019)

+1 CC to M/s.P.SENGUTTUARASAN, Advocate (SR-96231[F] dated 05/11/2019)

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01.11.2019

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