



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.879 of 2020

WEB COPY

Syed Ali

... Petitioner

/vs./

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Assistant Director,
Department of Mines and Minerals,
Tirunelveli.
- 3.The Assistant Superintendent of Police,
Cheranmahadevi Division,
Tirunelveli District.
- 4.The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.
- 5.The Tahsildar,
Cheranmahadevi Taluk,
Tirunelveli District.

[R5 has been impleaded as suo motu
vide order dated 10.03.2020]

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to release the petitioner's TATA LPK 912 model lorry with bearing Reg No TN 76 AV 9084 from the custody of the 4th respondent.

For Petitioner : Mr.Niranjan S.Kumar

For Respondents : Mr.CM.Marichellaiah Prabhu
Additional Government Pleader



ORDER

The petitioner is facing a singular problem. His Lorry bearing Reg.No. TN 76 AV 9084 was seized by the fourth respondent, the Inspector of Police, Veeravanallur Police Station, Tirunelveli District for having been allegedly transported stones from S.Nos.445 and 527 at South Veeravanallur Village, Cheranmahadevi Taluk, Tirunelveli District.

2.It is a specific contention of the learned counsel for the petitioner that no First Information Report has been registered and there is no record for such seizure. It is stated that the fourth respondent had handed over the vehicle for safe custody to the Tahsildar, Cheranmahadevi Taluk, Tirunelveli District. In these circumstances, the present writ petition has been filed seeking to release the said lorry.

3.My attention has been drawn to the orders passed in W.P.Nos.19936 of 2017, 7595 and 21485 of 2018 (Muthu Vs. The District Collector, Pudukottai District, Pudukkottai), wherein, a Division Bench had imposed various conditions for release of vehicle, which has been seized while transporting the mines and minerals. It had been stated that if the seizure was not subsequent to G.O.(Ms)No.135 Industries (MMA.1) Department, dated 13.11.2009, an application has to be filed only before the Jurisdictional Magistrate Court for release of the vehicle by the petitioner.

4.In this case, it appears that no First Information Report has been filed and the vehicle has not been produced before the Jurisdictional Magistrate Court by the Tahsildar, Cheranmahadevi Taluk, Tirunelveli District.

5.The learned counsel for the petitioner therefore relied on the judgment of this Court in W.A.(MD) No.948 of 2019 (R.Ganesan Vs. The Revenue Divisional Officer, Melur, Madurai District), wherein, a Division Bench of this Court had exercised jurisdiction and released the vehicle subject to various conditions particularly, the Tahsildar should produce the vehicle before the Jurisdictional Court and the petitioner can file an appropriate application before the said Jurisdictional Magistrate Court. I shall to follow the same conditions. For the purpose of directing the State, this Court *suo motu* impleads the Tahsildar, Cheranmahadevi Taluk, Tirunelveli District as 5th respondent in this writ petition.

6.In view of the above, the Writ Petition is allowed with the following conditions:



i) the 5th respondent/the Tahsildar, Cheranmahadevi Taluk, Tirunelveli District, is directed to unload the stones, which has been loaded into the lorry and with the assistance of the second respondent dispose of the same in accordance with the procedure, within a period of three days from the date of receipt of a copy of this order;

ii) after the stone is removed from the lorry, the 5th respondent is directed to produce the lorry before the Judicial Magistrate Court concerned, within a period of three days from the date on which the stone is removed;

iii) on the vehicle is being produced, the petitioner is directed to file an appropriate application before the learned Judicial Magistrate concerned, which shall be taken on file;

iv) the petitioner shall deposit a sum of Rs.50,000/- to the credit of the said case, within the time frame framed by the learned Judicial Magistrate concerned;

v) the Original Registration Certificate of the lorry shall be kept in the custody of the learned Judicial Magistrate concerned;

vi) upon remittance of the amount as specified namely, Rs.50,000/-, the lorry shall be released and interim custody be granted in favour of the petitioner;

vii) liberty is granted to the respondents to register appropriate civil or criminal proceedings against the petitioner;

7.No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Assistant Director,
Department of Mines and Minerals,
Tirunelveli.
- 3.The Assistant Superintendent of Police,
Cheranmahadevi Division,
Tirunelveli District.
- 4.The Inspector of Police,
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Tirunelveli District.
- 5.The Tahsildar,
Cheranmahadevi Taluk,
Tirunelveli District.

+1 CC to M/s.SPL.GP (SR-11301[F] dated 12/03/2020)

+1 CC to M/s.NIRANJAN S.KUMAR, Advocate (SR-10872[F] dated 10/03/2020)

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10.03.2020

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