



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **12.03.2020**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
W.P (MD)No.5214 of 2020

WEB COPY

V.Sonai Devan

... Petitioner

Vs.

1.The Assistant Director (Mines)
Department of Mines and Minerals,
Collectorate, Sivagangai District.

2.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

3.The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.

... Respondents

PRAYER: Writ Petition is 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 Tractor bearing Registration No.TN 25 X 6895 along with the unnumbered Trailer attached to it to the petitioner.

For Petitioner	: Mr.V.Kannan
For Respondents	: Mr.S.Dayalan
	Government Advocate

ORDER

By consent of both parties this writ petition is taken up for final disposal at the admission stage itself.

2.The tractor of the petitioner bearing Registration No.TN 25X 6895 and a trailer attached, were seized by the Inspector of Police, Manamadurai Police Station/third respondent herein, alleging that it was found to be transporting sand illegal mining at Kanmai and FIR in Crime No.188 of 2018 had been registered under Section 379 of IPC and Section 21 (1) of Mines and Minerals (Development and Regulation) Act, 1957. The present writ petition had been filed seeking a direction to release the tractor and trailer.

3.Heard the learned counsel for the petitioner and Mr.S.Dayalan, learned Government Advocate appearing for the respondents.

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



4. In **W.A(MD).No.948 of 2019 (R.Ganesan Vs., Revenue Divisional Officer, Melur)**, a Division Bench of this Court had directed that when the vehicles are seized, the necessary application will have to be filed before the jurisdictional Magistrate Court. However, the tractor/trailer in this case has not been seized prior to the date of judgment.

5. In view of those reasons, the Writ Petition is allowed with the following conditions:

i) the third respondent/the Inspector of Police, Manamadurai Police Station, Sivagangai District, is directed to produce the tractor and trailer before the Judicial Magistrate Court concerned on or before 31.03.2020;

ii) 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;

iii) the petitioner shall deposit a sum of Rs.25,000/- to the credit of the said case, within the time frame framed by the learned Judicial Magistrate concerned;

iv) the Original Registration Certificate of the tractor and trailer shall be kept in the custody of the learned Judicial Magistrate concerned;

v) upon remittance of the amount as specified namely, Rs.25,000/-, the tractor and trailer shall be released and interim custody be granted in favour of the petitioner;

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

6. No costs.

Sd/-

Assistant Registrar (C.S.II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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To

1.The Assistant Director (Mines)
Department of Mines and Minerals,
Collectorate, Sivagangai District.

2.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

3.The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.

+1 CC to M/s.V.KANNAN, Advocate (SR-11351[F] dated 12/03/2020)

+1 CC to M/s.SPL.GP (SR-11589[F] dated 13/03/2020)

W.P(MD)No.5214 of 2020

Dated:12.03.2020

PU(07/05/2020) 3P 6C