



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)Nos.5805 & 5867 of 2020

WEB COPY

Ramar ... Petitioner in W.P(MD)No.5805 of 2020
Veerachinnu ... Petitioner in W.P(MD)No.5867 of 2020

Vs.

- 1.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 2.The Inspector of Police
Mandala Manickam Police Station,
Kamuthi Taluk,
Ramanathapuram District.
- 3.The Assistant Director
Department of Geology and Mines,
O/o. District Collector Office,
Ramanathapuram
Ramanathapuram District.

... Respondents in both writ petitions

COMMON PRAYER : These Writ Petitions are filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent herein to release TVS XL 100 bearing Registration Nos.TN 65 AY 2875 and TN 65 AV 4335 forth with, respectively.

In both writ petitions

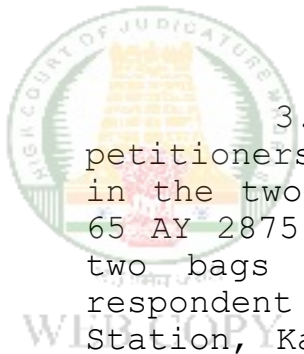
For Petitioner : Mr.K.Pal Murugan

For Respondents : Mr.V.Anand,
Government Advocate

COMMON ORDER

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

2.Both the writ petitions have been filed seeking relief to release of the two wheelers namely, TVS XL 100 bearing Registration Nos.TN 65 AY 2875 and TN 65 AV 4335, by the two petitioners Ramar and Veerachinnu respectively,



3.It is stated by the learned Counsel appearing for the petitioners in both the cases that two bags of sand were transported in the two wheelers namely, TVS XL 100 bearing Registration Nos.TN 65 AY 2875 and TN 65 AV 4335 on 09.03.2020. It is stated that the two bags sand were for domestic usage. However, the second respondent namely, the Inspector of Police, Mandala Manickam Police Station, Kamuthi Taluk, Ramanathapuram District, had registered two First Information Report namely, FIR Nos.12 and 13 of 2020 against these two writ petitioners, under Section 21(1) Mines and Minerals (Development and Regulation) Act, 1957.

4.The learned Counsel for the petitioners also states that the vehicles are now under the custody of the second respondent.

5.Mr.Anand, learned Government Advocate takes notice on behalf of the respondents in both the writ petitions.

6.In view of the fact that the Division Bench had examined such matters and directions had been given and further in view of the fact that the Government has also passed a Government Order, the following directions are given for release of the vehicle :

1) After determining the quantum of sand which had been transported in both the vehicles, the second respondent is directed to hand over the vehicles to the Special Court / District Court, Ramanathapuram District.

2)The writ petitioners are at liberty to file necessary application before the Special Court / District Court, Ramanathapuram District for release of the said vehicles respectively.

3)On receipt of such application, the Special Court / District Court, Ramanathapuram District may pass such orders in accordance with law, considering the facts and circumstances and if necessary by imposing any conditions as required.

4)The Special Court / District Court, Ramanathapuram District may pass such orders within a period of 10 working days from the date of application, which is filed, numbered and presented before the Court.

7.With the above observation, these two writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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Mandala Manickam Police Station,
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+1 CC to SPL.GP SR-12844, 12845

+2 CC to M/s.K.PAL MURUGAN, Advocate (SR-12894, 12895

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