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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2020

CORAM

THE HONOURABLE **MR. JUSTICE G.R. SWAMINATHAN**

W.P. (MD) No.7620 of 2020

S.Syed Abdullah Kaleem

... Petitioner

Vs.

- 1.The Sub-Inspector of Police,
Samayanallur Police Station,
Madurai District.
(Crime No.566 of 2020)
- 2.The Village Administration Officer,
Madurai North Taluk,
Kulamangalam Firka,
Paravai II Bit Village,
Madurai District.
- 3.The Assistant Director,
Mines and Minerals Department,
Madurai.
- 4.The Deputy Director,
Mines and Minerals Department,
District Collectorate Office,
Dindigul.

5.K.Ravivarman

... Respondents

(R3 is impleaded vide order dated 14.08.2020 made in W.M.P. (MD) No.8366 of 2020 in W.P. (MD) No.7620 of 2020 and R4 & R5 are impleaded vide order dated 03.09.2020 made in W.M.P. (MD) No.9333 of 2020 in W.P. (MD) No.7620 of 2020)

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondents to release the Lorry of the petitioner bearing registration No.TN 27 K 2073.

For Petitioner

: Mr.C.M.Arumugam

For R1 & R2

: Mr.M.Rajarajan,
Government Advocate.

**ORDER**

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the first and second respondent.

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2.The petitioner seeks release of the petition mentioned vehicle. The petitioner states that he had not transported any river sand.

3.However, the learned Government Advocate disputes the same. Therefore, in the very nature of things the issue calls for enquiry. I am afraid that such enquiry cannot be conducted in this writ proceeding. The writ petition is dismissed. However, the following directions have to be given to safeguard the interest of the petitioner:-

1.The respondents are directed to produce the vehicle without any delay before the concerned Jurisdictional Criminal Court.

2.The petitioner is at liberty to move before the concerned Jurisdictional Criminal Court for interim custody.

4.It is for the Jurisdictional Criminal Court to pass such orders as deem it fit, on merits and in accordance with law. I make it clear that I have not gone into the merits of the case. No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Sub-Inspector of Police,
Samayanallur Police Station,
Madurai District.



2.The Village Administration Officer,
Madurai North Taluk,
Kulamangalam Firka,
Paravai II Bit Village,
Madurai District.

3.The Assistant Director,
Mines and Minerals Department,
Madurai.

4.The Deputy Director,
Mines and Minerals Department,
District Collectorate Office,
Dindigul.

+1 CC to M/s.GP (SR-16108[F] dated 07/09/2020)

W.P. (MD) No.7620 of 2020
03.09.2020

scr(CO)
TR(11.09.2020) 3P 6C