



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Fourth day of December Two Thousand and Twenty

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

WP(MD) . No.12032 of 2020

Krishnamoorthy

... Petitioner

Vs

1. The Assistant Director
Geology and Mining Dindigul District
2. The Revenue Divisional Officer
Dindigul Dindigul District
3. The Inspector of Police
Sempatti Police Station
Dindigul District

... Respondents

Prayer :-

This Writ Petition filed under Article 226 of the Constitution of India praying this Court, to issue a Writ of Mandamus directing the respondent to release the petitioner JCB (Earth Moving Machine) bearing Reg.No.TN 38 AT 4966 seized in connection with Cr.No.1272 of 2020 on the file of the 3rd respondent based on the petitioner representation dated 4.9.2020.

ORDER:- This Writ Petition coming on for hearing on this day under the caption "For Being Mentioned" and upon perusing the petition and the affidavit filed in support thereof and the order dated 18.09.2020 and upon hearing the arguments of **Mr.T.Palanisamy**, Advocate for the Petitioner and of **Mr.M.Rajarajan**, Additional Government Pleader for the respondents, this Court made the following order:

This matter came up for hearing today under the caption "For Being Mentioned".

2. By order dated 18.09.2020, I had allowed W.P.(MD) No.12032 of 2020.

3. The matter pertains to the release of the petition mentioned vehicle. It was mentioned on the side of the respondents that the vehicle was not produced before the Court below. That is why, I had allowed the writ petition by putting the petitioner on terms. The



petitioner had complied with the condition imposed by this Court. Now it is mentioned by the petitioner's counsel that the order passed by this Court has not been complied with.

4. It appears that the vehicle was produced before the Court below even before the writ petition was filed.

5. In this view of the matter, the order dated 18.09.2020 is recalled and the writ petition stands disposed of by directing the petitioner to move the jurisdictional Court for relief of return of vehicle. Since the petitioner had complied with the condition imposed by this Court, the learned jurisdictional Magistrate is directed to allow the petition as such forthwith, without putting the petitioner on terms. Such a direction is issued, taking note of the fact that the petitioner had already complied with the condition imposed by this Court. Of course the petitioner shall not alienate or encumber the vehicle in question till the proceedings are concluded and as and when the respondents call for the vehicle for enquiry, the petitioner has to produce the vehicle in question and he shall cooperate with the enquiry to be conducted by the respondents.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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 Judicial Magistrate, Athoor, Dindigul District.
2. The Assistant Director
Geology and Mining, Dindigul District, Dindigul
3. The Revenue Divisional Officer,
Dindigul, Dindigul District.



4. The Inspector of Police,
Sempatti Police Station,
Dindigul District.

WEB COPY

COPY TO

1. The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.
2. The Officer Incharge,
High Court Legal Services committee,
Madurai Bench of Madras High Court, Madurai.

ORDER DATED : 04/12/2020

=====
ORDER
=====

WP(MD). No.12032 of 2020

Giving direction and etc.
as stated within.

SRK(CO)
TR(04.12.2020) 3P 7C