



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.15446 of 2020

Bala Subaramanian

.. Petitioner

Vs

1.The Revenue Divisional Officer,
Tirunelveli, Tirunelveli District.

2.The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
(Crime No.377 of 2020)

3.The Assistant Director of Geology and Mining,
Tirunelveli, Tirunelveli District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to release the petitioner's vehicle, namely Tipper Lorry, bearing Registration No.TN 72 BQ 1505 from his custody and to hand over the above vehicle to the petitioner forthwith, by considering the petitioner's representation dated 27.10.2020.

For Petitioner : Mr.M.S.Jeyakarthish

For Respondent : Mr.C.Ramar

Additional Government Pleader

ORDER

This writ petition has been filed for a Writ of Mandamus seeking for a direction to the respondents to release the petitioner's vehicle, namely Tipper Lorry, bearing Registration No.TN 72 BQ 1505 from his custody and to hand over the above vehicle to the petitioner forthwith, by considering the petitioner's representation dated 27.10.2020.

2.Heard Mr.M.S.Jeyakarthish, learned counsel appearing for the petitioner and Mr.C.Ramar, learned Additional Government Pleader appearing for the respondents.

3.Mr.C.Ramar, the learned Additional Government Pleader, who accepts notice on behalf of the respondents, on instructions, would submit that the seized vehicle has already been produced before the jurisdictional Criminal Court and hence, no relief can be granted by this Court under Article 226 of the Constitution of India.



4.At this juncture, the learned counsel for the petitioner seeks liberty to approach the appropriate jurisdictional Criminal Court to seek release of vehicle.

5.Accordingly, this writ petition is disposed of. However, liberty is granted to the petitioner to approach the jurisdictional/criminal Court for release of his vehicle under Section 451 of Cr.P.C. The jurisdictional/criminal Court is directed to dispose of the application, if so filed by the petitioner under Section 451 Cr.P.C, within a period of four weeks from the date of numbering of the said application. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM
To

1.The Revenue Divisional Officer,
Tirunelveli, Tirunelveli District.

2.The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.

3.The Assistant Director of Geology and Mining,
Tirunelveli, Tirunelveli District.

+1 CC to M/s.S.JEYA KARTHIK, Advocate (SR-21551[F] dated 09/11/2020
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06.11.2020

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