



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.11.2020**

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.16077 of 2020

WEB COPY

G.Vadivel

.. Petitioner

Vs.

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

2.The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
(Crime No.32 of 2020)

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

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents to release the petitioner's vehicle namely Ashok Leyland Tipper Lorry bearing Registration No.TN 23 X 9663 from his custody and to hand over the above vehicle to the petitioner forthwith, by considering the petitioner's representation dated 15.10.2020.

For Petitioner : Mr.S.R.Durai Raj

For Respondents : Ms.V.P.M.Vaishnavi
Government Advocate

ORDER

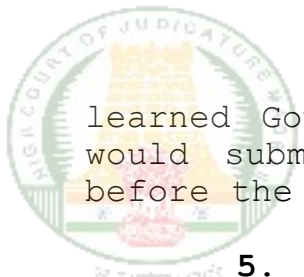
(This Matter was heard through the Video Conferencing)

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to release the petitioner's vehicle namely Ashok Leyland Tipper Lorry bearing Registration No.TN 23 X 9663 from his custody and to hand over the above vehicle to the petitioner forthwith, by considering the petitioner's representation dated 15.10.2020.

2. Ms.V.P.M.Vaishnavi, learned Government Advocate accepts notice on behalf of the respondents.

3. Heard Mr.S.Durai Raj, learned counsel for the petitioner and Ms.V.P.M.Vaishnavi, learned Government Advocate for the respondents.

4. Today, when the matter is taken up for hearing, the
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learned Government Advocate for the respondents, on instructions, would submit that the seized vehicle has already been produced before the Jurisdictional Criminal Court.

5. In view of the same, the present Writ Petition is not maintainable. The petitioner will have to necessarily approach the Jurisdictional Criminal Court by filing an application under Section 451 of Cr.P.C., for releasing of his seized vehicle. Hence, the petitioner is at liberty to approach the Jurisdictional Criminal Court for seeking release of the seized vehicle by filing appropriate application under Section 451 of Cr.P.C.

6. On receipt of such application, the Jurisdictional Criminal Court shall dispose of the said application, within a period of four weeks, thereafter. Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

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 Revenue Divisional Officer,
Tirunelveli, Tirunelveli District.
- 2.The Inspector of Police,
Tirunelveli Taluk Police Station, Tirunelveli District.
(Crime No.32 of 2020)
- 3.The Assistant Director of Geology and Mining,
Tirunelveli,
Tirunelveli District.

+1 CC to M/s.GP (SR-22383[F] dated 20/11/2020), (SR-22175[F] dated 19/11/2020)

+1 CC to M/s.M.S. JEYAKARTHIK, Advocate (SR-22131[F] dated 19/11/2020)

W.P (MD) .No.16077 of 2020
18.11.2020

SGS (CO)

KK(30.11.2020) 2P 6C

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