



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2020

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD) .No.18578 of 2020

Vignesh

.. Petitioner

Vs.

1.The District Collector,
Collectorate,
Theni, Theni District.

2.The Assistant Director,
Mines and Minerals Department,
Theni, Theni District.

3.The Inspector of Police,
Rajathanai Police Station,
Theni 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 vehicles namely JCB bearing registration No.TN 60 AW 3368 and JCB Hitachi.

For Petitioner : Mr.R.Ponkarthikeyan

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

ORDER

(This petition was heard through the Video Conference)

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to release the petitioner's vehicles namely JCB bearing registration No.TN 60 AW 3368 and JCB Hitachi from their custody and to hand over the above vehicle to the petitioner forthwith, by considering the petitioner's representation dated 09.12.2020.

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



3. Heard Mr.R.Ponkarthikeyan, learned counsel for the petitioner and Mrs.V.P.M.Vaishnavi, learned Government Advocate for the respondents.

4. Today, when the matter is taken up for hearing, the 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 (T&P)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

TM

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 District Collector,
Collectorate,
Theni, Theni District.



2.The Assistant Director,
Mines and Minerals Department,
Theni, Theni District.

3.The Inspector of Police,
Rajathanai Police Station,
Theni District.

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KM (29.12.2020) 3P 4C