



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.7796 of 2021

S.P.Sri Contractors,
Through its owner holder,
S.Ponmurugan,
S/o. Mr.Sanmugavel,
Z/5, 102F/16, Melur,
Polpettai, Thoothukudi Town,
Thoothukudi District.

... Petitioner

Vs.

1.The Assistant Director,
Mines and Minerals Department,
Thoothukudi District.

2.The Inspector of Police,
Thazhamuthu Nagar Police Station,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to return the original documents pertaining to the lorry bearing registration No.TN 69 BH 5199 Engine No.JXPZ150950, Chassis No.MB1HTLHD3KPJG0391 and Bolero bearing registration No.TN 69-BK 0799 Engine No.WJK6H54419, Chassis No.MAIXK2WJXK6H41000, which is in the possession of the second respondent police in Crime No.215 of 2020 dated 12.05.2020, to the petitioner within a time stipulated by this Court.

For Petitioner : Mr.V.Rajiv Rufus
For Respondents : Mr.K.P.Krishnadass,
Special Government Pleader

O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.V.Rajiv Rufus, learned Counsel appearing for the petitioner and Mr.K.P.Krishnadass, learned Special Government Pleader appearing for the respondents.

2.The prayer sought for in this Writ Petition is for a Writ of Mandamus, directing the second respondent to return the original documents pertaining to the lorry bearing registration No.TN 69 BH 5199 Engine No.JXPZ150950, Chassis No.MB1HTLHD3KPJG0391 and Bolero bearing registration No.TN 69-BK 0799 Engine No.WJK6H54419, Chassis



No.MAIXK2WJXK6H41000, which is in the possession of the second respondent police in Crime No.215 of 2020 dated 12.05.2020, to the petitioner.

3.The learned Counsel appearing for the petitioner submitted that the original documents are retained by the respondent police and has not been returned, though, the vehicle has been returned as per the directions issued in the writ petition filed by the petitioner earlier.

4.The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that a criminal case is registered against the petitioner and FIR is pending before the Magistrate Court and the documents are likely to be produced before Court.

5.If the documents are already filed before the Court, then we give liberty to the petitioner to file appropriate application before the concerned Magistrate Court, for return of the documents, which can be considered in accordance with law. On the other hand, if the documents are still with the respondent police, the same shall be returned to the petitioner, after imposing stringent conditions.

6.Accordingly, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AD II)

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/ /2020

Sub Assistant Registrar()

To

1.The Assistant Director,
Mines and Minerals Department,
Thoothukudi District.

2.The Inspector of Police,
Thazhamuthu Nagar Police Station,
Thoothukudi District.

+1CC to Mr.V.Rajiv Rufus, Advocate in Sr.No.15893

+1CC to Special Government Pleader in Sr.No.16030

ORDER MADE IN
W.P.[MD]No.7796 of 2021
15.04.2021

MR

<https://hsrtds.courts.gov.in/csr/> 19/05/2021 (29- 5C)