



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. [MD]No.8154 of 2021

and

W.M.P. [MD]No.6205 of 2021

Arjunan

... Petitioner

Vs.

1.The District Collector,
Collector Office,
Sivagangai District - 630 562.

2.The Revenue Divisional Officer,
RDO, Office,
Sivagangai District - 630 561.

3.The Tahsildar,
Tahsildar Office,
Manamadurai - 630 606.

4.The Assistant Director,
Geology and Mining,
Collector Office,
Sivagangai District - 630 562.

5.The Inspector of Police,
Manamadurai Police Station,
Sivagangai District - 630 606

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to release the petitioner's Tractor No. TN 63 F 4361 with Trailer No. TN 63 F 4375 from the custody of the fifth respondent on the basis of the petitioner's representation dated 10.04.2021, within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Senthil Kumar

For Respondents : Mr.K.Mu.Muthu,

Additional Government Pleader



O R D E R

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

With the consent on either side, the Writ Petition itself is taken up for final disposal.

2.Heard Mr.R.Senthil Kumar, learned Counsel appearing for the petitioner and Mr.K.Mu.Muthu, learned Additional Government Pleader appearing for the respondents.

3.This Writ Petition has been filed praying for a Writ of Mandamus, to direct the respondents to release the petitioner's Tractor No. TN 63 F 4361 with Trailer No. TN 63 F 4375 from the custody of the fifth respondent, by considering his representation dated 10.04.2021.

4.The learned Additional Government Pleader appearing for the respondents submitted that in terms of the judgment of the Hon'ble Division Bench in the case of **Muthu Vs. District Collector and others in W.P. [MD]No.19936 of 2018 dated 29.10.2018**, the petitioner should move the Special Court for release of the vehicle which has been detained by the respondent police.

5.The learned Counsel appearing for the petitioner pointed out that no private complaint has been filed by the competent person under Section 22 of the Mines and Minerals Act, 1957, for the offence under Section 21(1) of the Act and the respondents have failed to follow the directions issued in the case of **Muthu Vs. District Collector and others in W.P. [MD]No.19936 of 2018 dated 29.10.2018**, within 7 days of the seizure of the vehicle. Therefore, the matter will not come within the purview of the Special Court.

6.From a perusal of the FIR in Crime No.70 of 2021, on the file of the Manamadurai Police Station, we find that the offence registered is only under Section 379, IPC.

7.In the light of the above, we direct the fifth respondent police to produce the vehicle before the Judicial Magistrate, Manamadurai, within three [3] days from the date of receipt of a copy of this order and we give liberty to the petitioner to file an application before the learned Judicial Magistrate, Manamadurai, for release of the vehicle and if such petition is filed, the learned Judicial Magistrate shall consider the same and pass appropriate orders in accordance with law.



8. With the above direction, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

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,
Collector Office,
Sivagangai District - 630 562.
2. The Revenue Divisional Officer,
RDO, Office, Sivagangai District - 630 561.
3. The Tahsildar, Tahsildar Office,
Manamadurai - 630 606.
4. The Assistant Director, Geology and Mining,
Collector Office,
Sivagangai District - 630 562.
5. The Inspector of Police,
Manamadurai Police Station,
Sivagangai District - 630 606.
6. The Judicial Magistrate, Manamadurai, Sivagangai District.

+1 CC to M/s.SPL GP (SR-17120[F] dated 22/04/2021)

ORDER MADE IN
W.P. [MD]No.8154 of 2021
21.04.2021

km (CO)

TR(22.04.2021) 3P 8C