



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.05.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.[MD]No.9504 of 2021

M.Meenal

... Petitioner

Vs.

1.The Assistant Director of Geology and Mining,
Sivagangai,
Sivagangai District.

2.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

3.The Inspector of Police,
Ulagampatti Police Station,
Sivagangai District,
Crime No.29 of 2021.

... 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 JCB vehicle bearing Registration Number TN 28 AB 8197 and Tipper Lorry bearing Registration Number TN 49 AK 0814 which was seized by the third respondent on 14.04.2021.

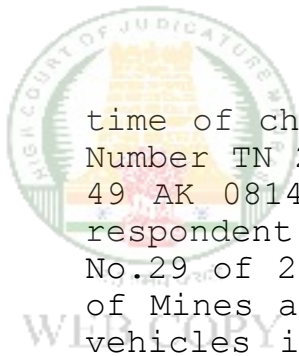
For Petitioner : Mr.R.J.Karthick
For Respondents : Mr.R.Baskaran
Standing Counsel

O R D E R

[Order of the Court was made by **V.M.VELUMANI, J.**]

The petitioner has come forward with this writ petition for issuance of writ of Mandamus, directing the respondents to release the petitioner's JCB vehicle bearing Registration Number TN 28 AB 8197 and Tipper Lorry bearing Registration Number TN 49 AK 0814, from their custody and to hand over the possession of the vehicles to the petitioner.

2. According to the petitioner, on 14.04.2021, the third respondent in his services inspection has checked the illegal sand theft. At the



time of checking, the petitioner's JCB vehicle bearing Registration Number TN 28 AB 8197 and Tipper Lorry bearing Registration Number TN 49 AK 0814 were standing in the said place. Therefore, the third respondent has seized the vehicles and registered the F.I.R in Crime No.29 of 2021 for the offence under Sections 379 of I.P.C and 21(4) of Mines and Minerals Development Regulation Act, 1957 and kept the vehicles in the third respondent police station in the open place for the past six weeks. According to the petitioner, the third respondent neither produced the vehicles before the concerned Magistrate Court nor released the vehicles to the petitioner. Hence, the petitioner gave a representation to the third respondent to hand over the possession of the vehicles to the petitioner and has come out with the present writ petition.

3. Heard Mr.R.J.Karthick, learned counsel appearing for the petitioner and Mr.R.Baskaran, learned Standing Counsel appearing for the respondents and perused the materials available on record.

4. Considering the above fact, the third respondent is directed to produce the vehicles before the concerned Judicial Magistrate Court on or before 03.06.2021. On such production of the vehicles, it is open to the petitioner to file appropriate application before the concerned Court for release of the vehicles.

5. With the above direction, the Writ Petition is closed. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Assistant Director of Geology and Mining,
Sivagangai,
Sivagangai District.

2.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.



3.The Inspector of Police,
Ulagampatti Police Station,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-18614[F] dated 27/05/2021)

ORDER MADE IN
W.P. [MD]No.9504 of 2021
DATED
26.05.2021

AS (10.06.2021) 3P 5C