



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.9564 of 2021

Raja

... Petitioner

Vs.

1.The Assistant Director,
Geology and Mining Department,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Melur, Madurai District.

3.The Inspector of Police,
Othakadai Police Station,
Madurai District.
In Crime No.230 of 2021

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents to release the petitioner's Tractor with Trailor bearing Registration No.TN 63 F 8106 from their custody and to hand over the possession of the vehicle to the petitioner.

For Petitioner :Mr.S.Baskar Mathuram
for M/s.Mathuram law Associates
For Respondents :Mr.R.Baskaran,
Standing Counsel for the Government

ORDER

(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 Tractor with Trailor bearing Registration No.TN 63 F 8106 from their custody and to hand over the possession of the vehicle to the petitioner.

2. According to the petitioner, on 04.05.2021, the third respondent on inspection has checked the illegal sand theft. At the time of checking, the petitioner's Tractor with Trailor bearing



Registration No.TN 63 F 8106 was standing in the said place. Therefore, the third respondent has seized the vehicle and registered the F.I.R in Crime No.230 of 2021 for the offence under Sections 379 of I.P.C and 21(1) of Mines and Minerals Development Regulation Act and kept the vehicle in the third respondent police station in the open place for the past two weeks. According to the petitioner, the third respondent neither produced the vehicle before the concerned Magistrate Court nor released the vehicle to the petitioner. Hence, the petitioner gave a representation to the third respondent to hand over the possession of the vehicle to the petitioner and has come out with the present writ petition.

3. Heard Mr.S.Baskar Mathuram, 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 vehicle before the concerned Judicial Magistrate Court on or before 03.06.2021. On such production of the vehicle, it is open to the petitioner to file appropriate application before the concerned Court for release of the vehicle.

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

Sd/-

Vacation Officer

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pm

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,
Geology and Mining Department,
Madurai District,
Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Revenue Divisional Officer,
Revenue Divisional Office,
Melur, Madurai District.

3.The Inspector of Police,
Othakadai Police Station,
Madurai District.

+1 CC to M/s.SPL GP (SR-18618[F] dated 27/05/2021)

W.P(MD)No.9564 of 2021

26.05.2021

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