



W.P.(MD) No.10603 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2021

CORAM:

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

and

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P. (MD) No.10603 of 2021

K.Ibrahim

... Petitioner

-vs-

1.The Revenue Divisional Officer
Madurai District, Madurai

2.The Assistant Director
Mines and Minerals Department
Madurai

3.The Inspector of Police
Tallakulam Police Station
Tallakulam, Madurai

4.M.Pandiyarajan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to release the Tipper Lorry of the petitioner bearing registration No.TN59 CF2365 to his custody immediately.

For Petitioner : Mr.Arumugam.C.M.

For Respondents : Mr.R.Baskaran

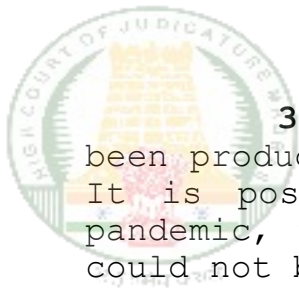
Standing Counsel for Government
for R1 to R3

O R D E R

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The petitioner complains of his vehicle being detained on the apprehension that produce from illegal mining activities were being transported in such vehicle.

2. Ordinarily, a writ petition seeking release of any vehicle confiscated or detained in such circumstances may not be entertained. There is a procedure for the vehicle to be produced and the owner of the vehicle having an opportunity to present his version and make a prayer for its release. Such procedure cannot be bypassed by resorting to this extraordinary jurisdiction under Article 226 of the Constitution.



3. However, the petitioner says that the vehicle has not been produced before the relevant Magistrate within reasonable time. It is possible that because of the raging second surge of the pandemic, when normal activities came to a standstill, the vehicle could not be produced.

WEB COPY

4. W.P.(MD)No.10603 of 2021 is disposed of by directing the relevant police authorities to ensure that the vehicle is produced before the relevant Magistrate within a period of four weeks from date.

5. There will be no order as to costs.

Sd/-

Assistant Registrar (CSII)

// 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.

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To:

- 1.The Revenue Divisional Officer,
Madurai District, Madurai.
- 2.The Assistant Director,
Mines and Minerals Department,
Madurai.
- 3.The Inspector of Police,
Tallakulam Police Station,
Tallakulam, Madurai.

+1 CC to M/s.SPL GP (SR-20440[F] dated 28/06/2021)

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KB(05.07.2021) 2P 5C