



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE
AND

The Hon'ble Mrs.JUSTICE S.ANANTHI

W.P. (MD)No.13047 of 2021

WEB COPY

Ilayaraja

.. Petitioner

Vs

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Tirumangalam,
Madurai District.

2.The Assistant Director,
Geology and Mining,
Madurai District.

3.The Inspector of Police,
Perungudi Police Station,
Madurai District.
Crime No.150 of 2021.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking a Writ of Mandamus, directing the respondents to release the petitioner's vehicle namely Mahindra Minivan bearing Registration Number TN 76 K 3280 which was seized by the third respondent on 02.06.2021 by considering the petitioner's representation dated 24.07.2021 within the time limit may be stipulated by this Court.

For Petitioner

: Mr.S.Sivaprakash

For Respondents

: Mr.A.K.Manikkam

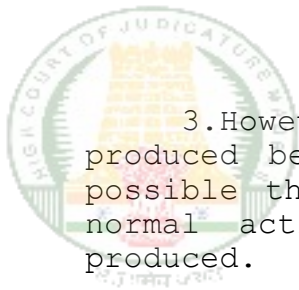
Standing Counsel for Government.

ORDER

[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 his vehicle.

2.Ordinarily, a writ petition seeking release of vehicles 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.

4.W.P.(MD)No.13047 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 (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 Revenue Divisional Officer,
Revenue Divisional Office,
Tirumangalam,
Madurai District.

2.The Assistant Director,
Geology and Mining,
Madurai District.

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

+1CC to Special Government Pleader (SR24918)

W.P. (MD)No.13047 of 2021
29.07.2021

AC

RS (06.08.2021) 2P-5C