



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P(MD)No.19226 of 2021

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A.Kaluwan ... Petitioner
Vs.

1.The District Collector,
Theni District.

2.The Assistant Director,
Geology and Mines,
Theni District.

3.The Revenue Divisional Officer,
Uthamapalayam Taluk,
Theni District.

4.The Tahsildar,
Uthamapalayam,
Uthamapalayam Taluk,
Theni District.

5.The Revenue Inspector,
Markkayankottai,
Theni District.

6.The Inspector of Police,
Chinnamanur Police Station,
Uthamapalayam Taluk,
Theni District.

... Respondents

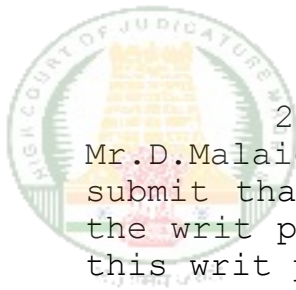
PRAYER : Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to release the lorry bearing Registration No.TN-60-P-2117 to the petitioner forthwith.

For Petitioner : Mr.D.Malaichamy
For Respondents : Mr.P.Thilakkumar
Government Pleader

O R D E R

(Order of the Court was made by V. BHARATHIDASAN, J.)

The petitioner, who is claiming to be the owner of the vehicle, seeks release of the same by filing the present writ petition, pursuant to his representation, dated 20.08.2021.



2. Today, when the matter is taken up for hearing Mr.D.Malaichamy, learned counsel appearing for the petitioner would submit that the lorry was seized on 16.08.2021, but till filing of the writ petition, no FIR has been filed. However, after filing of this writ petition, FIR has been filed yesterday i.e. on 26.10.2021.

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3. Considering the fact that FIR has already been filed, the remedy available to the petitioner is to approach the concerned Special Court seeking for release of the lorry and hence, this Writ Petition is not maintainable.

4. In such circumstances, the Writ Petition stands disposed of with liberty to the petitioner to approach the concerned Special Court seeking for release of the lorry, if so advised. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
Theni District.
- 2.The Assistant Director,
Geology and Mines,
Theni District.
- 3.The Revenue Divisional Officer,
Uthamapalayam Taluk,
Theni District.
- 4.The Tahsildar,
Uthamapalayam,
Uthamapalayam Taluk,
Theni District.



5.The Revenue Inspector,
Markkayankottai,
Theni District.

6.The Inspector of Police,
Chinnamanur Police Station,
Uthamapalayam Taluk,
Theni District.

+1 CC to M/s.D. MALAICHAMY, Advocate (SR-32907[F] dated 27/10/2021)

+1 CC to M/s.SPL.GP (SR-33029[F] dated 28/10/2021)

ORDER MADE IN
W.P (MD) No.19226 of 2021
27.10.2021

NA (CO)
GC/JC (15.11.2021) 3P 9C