



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 04.01.2021

CORAM

**THE HONOURABLE MRS. JUSTICE R. THARANI**

Crl. R.C. (MD)No.729 of 2020

Deivasigamani

.. Petitioner/Petitioner/Accused

Vs.

The State represented by  
The Inspector of Police,  
Panthanallur Police Station,  
Thiruvedaimarudhur Taluk,  
Thanjavur District.

(Crime No.75/2018) .. Respondent/Respondent/Defacto Complainant

Prayer : This criminal revision case is filed under Section 397 r/w. Section 401 of Cr.P.C., to call for the records and to set aside the order dated 28.09.2020 passed in Crl.M.P.No.1541 of 2020 on the file of the District Munsif cum Judicial Magistrate, Thiruvedaimardhur, Thanjavur District.

For Petitioner : Mr.B.Prahalad Ravi

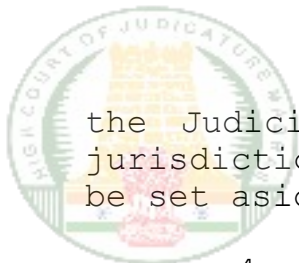
For Respondent : Mrs.S.Bharathi  
Government Advocate

**ORDER**

This Criminal Revision Case has been filed to set aside the order dated 28.09.2020 passed in Crl.M.P.No.1541 of 2020 on the file of the District Munsif cum Judicial Magistrate, Thiruvedaimardhur, Thanjavur District.

2.The vehicle, viz., Mahindra Tractor with Trailer, bearing Registration No.TN-49-AY-7125, was seized by the respondent police in Crime No.75 of 2018 under Section 21(1) of MMDA Act, 1957. The petitioner approached this Court and obtained order in W.P.(MD) No.12537 of 2019. This Court has ordered the respondent police to return the vehicle on certain conditions. The petitioner approached the Magistrate Court for return of the vehicle. The learned Magistrate dismissed the petition on the point of jurisdiction. Against the same, the petitioner approached this Court by filing this Revision.

3. On the side of the petitioner, it is stated that already this Court has passed an order for the return of the vehicle. After the receipt of the order, the police has no authority to produce the vehicle before the Court. Though this Court has passed an order,



the Judicial Magistrate dismissed the petition on the ground of jurisdiction, which is, unwarranted and prayed the impugned order to be set aside and the vehicle to be returned back to the petitioner.

4. On the side of the respondent, it is stated that this Court has passed the order in W.P.(MD)No.12537 of 2019, on 29.05.2019, ie. before the passing of the Government Order in G.O.No.298, dated 13.06.2019. In the said Government Order, the jurisdiction for dispersal of the properties is vest only with the District Court, which is, a Special Court, under the MMDA Act. The petitioner has approached the Judicial Magistrate, only on 04.09.2019, instead of approaching District Court. After passing the Government Order, the Magistrate has no power to pass an order and there is nothing wrong in the impugned order.

5.It is seen that this Court has passed an order, dated 29.05.2019, in W.P.(MD)No.12537 of 2019 for return of the vehicle. On verification of original documents, it is seen that the petitioner has deposited the amount as specified by the order of this Court, on 16.09.2019. But, in between, G.O.No.298, dated 13.06.2019 was passed by the Government. The petitioner was directed to produce the original document and to be present before the Revenue Divisional Officer, on 17.10.2019. It is not clear whether the petitioner was present before the Revenue Divisional Officer on 17.10.2019. Instead of producing the original documents before the Revenue Divisional Officer, the petitioner has filed a petition before the Magistrate. After the passing of the Government Order, the Magistrate has no jurisdiction to pass an order. It is seen that the vehicle was produced before the Magistrate Court only during the year 2020. Since the petitioner has not complied the condition imposed by this Court, by his failure to produce the original document, in W.P.(MD)No.12537 of 2019, the petitioner is not entitled to question the production of the vehicle before the Court. Since the vehicle is now in the custody of the Court, the petitioner is hereby directed to approach the Special Court with all relevant documents, as per the instructions of this Court, in W.P. (MD)No.12537 of 2019.

6.With the above direction, this Criminal Revision Case is disposed of.

Sd/-

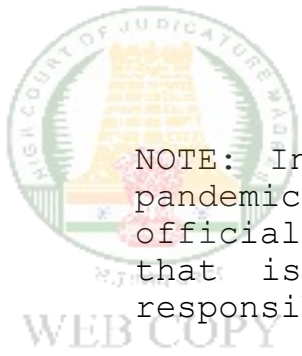
Assistant Registrar(Records)

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/ /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 Principal District and sessions Judge,  
Thanjavur District, Thanjavur.
2. The District Munsif cum Judicial Magistrate,  
Thiruveedaimardhur,  
Thanjavur District.
3. The Inspector of Police,  
Panthanallur Police Station,  
Thiruveedaimarudhur Taluk,  
Thanjavur District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

Crl. R.C. (MD) No. 729 of 2020  
04.01.2021

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TR(20.01.2021) 3P 5C