



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P. (MD) No.9518 of 2022

G.Ramachandran

... Petitioner

-vs-

1.The Revenue Divisional Officer,
Ramanathapuram Revenue Division,
Ramanathapuram District.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.

3.The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents herein to release the petitioner's JCB Vehicle bearing Registration No.TN 63/AQ 9695, Tipper Lorry bearing Registration No. TN-48/V 5050 and Bolero Car bearing Registration No. TN-63/BZ 3993 by considering the petitioner's representation dated 30.04.2022 within the time stipulated by this Court.

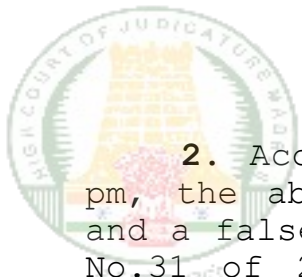
For Petitioner : Mr.K.Samidurai

For Respondents : Mr.D.Ghandiraj
Special Government Pleader

O R D E R

[Order of the Court was made by T.RAJA, J.]

The prayer in this writ petition is to direct the respondents to release the petitioner's JCB Vehicle bearing Registration No.TN 63/AQ 9695, Tipper Lorry bearing Registration No. TN-48/V 5050 and Bolero Car bearing Registration No. TN-63/BZ 3993, by considering the petitioner's representation dated 30.04.2022.



2. According to the petitioner, on 20.04.2021, at about 08.30 pm, the above three vehicles were seized by the respondent-police and a false case was registered against him and his Driver in Crime No.31 of 2021 for the offence under Sections 379 IPC read with Section 24(4) of Mines & Minerals (Development & Regulation) Act, 1957. Challenging the same, the petitioner filed CrI.O.P.(MD) No.16905 of 2021, and this Court by order dated 21.03.2022, quashed the FIR registered against the petitioner on the ground that no accused person was identified by the respondent-police and only the vehicles, which were loaded with savadu sand, were seized by them and also the complaint was registered only for statistical purpose and hence it cannot be sustained.

3. Since the FIR itself was quashed by this Court, the vehicles seized by the respondent-police are to be released forthwith.

4. The learned Special Government Pleader appearing for the respondents submitted that the vehicles will be remanded to the concerned Judicial Magistrate.

5. The said contention is untenable for the reason that the FIR registered as against the petitioner itself has been quashed by this Court. Therefore, the third respondent is directed to release the vehicles namely JCB Vehicle bearing Registration No.TN 63/AQ 9695, Tipper Lorry bearing Registration No. TN-48/V 5050 and Bolero Car bearing Registration No. TN-63/BZ 3993 to the petitioner within a period of two days from today.

6. With the above direction, this writ petition stands disposed of. No costs.

Sd/-

Vacation Officer

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

krk / abr

To:

1.The Revenue Divisional Officer,
Ramanathapuram Revenue Division,
Ramanthapuram District.



2.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.

3.The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K. SAMIDURAI, Advocate (SR-23548[F] dated 06/05/2022)

W.P. (MD) No.9518 of 2022
06.05.2022

kg (CO)
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