



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.05.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P (MD) No.10565 of 2022

Sabu

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Tenkasi,
Tenkasi District.

2.The Sub Inspector of Police,
Puliyarai Police Station,
Tenkasi District.

3.The Assistant Director,
Mines and Geology,
Tenkasi,
Office situated at Collectorate Campus,
Tirunelveli,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent herein to release the petitioner's vehicle (lorry) bearing Registration No.KL 61 3849 within a stipulated time as that may be fixed by this Court.

For Petitioner : Mr.S.Sundarapandian

For Respondents : Mr.M.Senthil Ayyanar,
Government Advocate

ORDER

The prayer sought for herein is for a writ of mandamus directing the second respondent herein to release the petitioner's vehicle (lorry) bearing Registration No.KL 61 3849 within a time frame.

2. The petitioner's Lorry bearing Registration No.KL 61-3849 which involved in alleged illegal sand quarrying transportation. For the said reason, the lorry was intercepted by the respondent police and the vehicle was impounded. In order to release the lorry, though the petitioner has made an attempt before the



concerned Special Court, because of the quash petition filed against the FIR is pending before this Court, the said petition has not been entertained. Therefore, he has approached this Court by filing the present writ petition.

3. Heard Mr.S.Sundarapandian, learned counsel appearing for the petitioner and Mr.M.Senthil Ayyanar, learned Government Advocate appearing for the respondents.

4. The learned counsel for the petitioner submits that first time, the vehicle has been intercepted for the alleged involvement of the transportation of illegal sand.

5. Therefore, the learned counsel for the petitioner would submit that any condition may be imposed against the petitioner, for which the vehicle of the petitioner may be released as it is being kept in the open place and exposed to sun light and rain, thereby the parts of the vehicle would be diminished if it continues to be in the open place.

6. I have heard the learned Government Advocate appearing for the respondents.

7. Considering the aforestated plea made by the learned counsel for the petitioner and taking into account all the circumstances of the case, this Court is inclined to dispose of this writ petition with the following order:-

"that there shall be a direction to the second respondent police to release the Lorry bearing Registration No.KL 61-3849 belongs to the petitioner on payment of a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in the name of the District Minerals Foundation Trust of the District concerned and the vehicle so released shall not be tampered with or transferred to any third party by the petitioner and that shall be produced to the respondents as and when it is required for further investigation of the case."

8. With these observations, this Writ Petition is disposed of. No costs.

Sd/-

Vacation Officer/
Assistant Registrar

// True Copy //

28/05/2022
Sub Assistant Registrar(CS)



To

- 1.The Deputy Superintendent of Police,
Tenkasi,
Tenkasi District.
- 2.The Sub Inspector of Police,
Puliyarai Police Station,
Tenkasi District.
- 3.The Assistant Director,
Mines and Geology,
Tenkasi,
Office situated at Collectorate Campus,
Tirunelveli,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Officer in charge,
District mineral foundation trust,
Tenkasi.

**W.P (MD) No.10565 of 2022
27.05.2022**

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