



WEB COPY

W.P(MD)N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2022

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

and

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P (MD) No.14251 of 2022

Selvaraj

... Petitioner

Vs.

1. The Assistant Director of Geology and Mining,
Tirunelveli District, Tirunelveli.
2. The Revenue Divisional Officer,
Cheranmahadevi, Tirunelveli District.
3. The Inspector of Police,
Koodankulam Police Station,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the second respondent to release the petitioner's Tipper Lorries bearing Registration Nos.TN-09-CR-9560 and TN-09-CR-6721 seized by the third respondent on 29.06.2022 to the petitioner.

For Petitioner

:Mr.T.Lenin Kumar

For R1 to R3

:Mr.T.Amjad Khan,

Government Advocate

ORDER

(Order of the Court was made by S.S.SUNDAR, J.)

Heard Mr.T.Lenin Kumar, learned Counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate, who takes notice on behalf of respondents.

2. This Writ Petition is filed for issuance of a Writ of Mandamus to direct the second respondent to release the petitioner's Tipper Lorries bearing Registration Nos.TN-09-CR-9560 and TN-09-CR-6721 seized by the third respondent on 29.06.2022, to the petitioner.

3. Earlier, the Division Bench of this Court has held that Writ Petition is not maintainable for release of vehicle and the petitioner should approach the Special Court.

<https://www.mca.gov.in/>



4. The learned Counsel for the petitioner conceded the petitioner may be permitted to move the Special Court and to file an application for release of his vehicles. The learned Counsel for the petitioner further submitted that the Special Court in Tirunelveli is not functioning and the learned Principal District Judge, Tirunelveli, is in-charge of hearing the matters, which are to be posted before the Special Court.

5. In view of the above, this Writ Petition is dismissed. However, liberty is granted to the petitioner to approach the Principal District Court, Tirunelveli for release of his vehicles. If such an application is filed, the learned Principal District Judge, Tirunelveli, is directed to consider the same and pass appropriate orders within a period of two weeks from the date of filing of such application. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pm

To

1. The Principal District Judge, Tirunelveli.
2. The Assistant Director of Geology and Mining,
Tirunelveli District, Tirunelveli.
3. The Revenue Divisional Officer,Cheranmahadevi,
Tirunelveli District.
4. The Inspector of Police,Koodankulam Police Station,
Tirunelveli.

+1 CC to M/s.T. LENIN KUMAR, Advocate (SR-30339[F] dated 07/07/2022)

+1 CC to M/s.SPL.GP (SR-30445[F] dated 07/07/2022)

W.P(MD)No.14251 of 2022

06.07.2022

USK/18.07.2022/2P/7C