



W.P.(MD) No.25136 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2022

CORAM:

**THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE R.MAHADEVAN**

W.P.(MD) No.25136 of 2022

1.S.Thangapandi

2.K.Thavakodi

3.P.Sekar

4.Murugesan

... Petitioners

-vs-

1.The Revenue Divisional Officer
Madurai West Revenue Division
Madurai, Madurai District

2.The Assistant Director of Mines and Minerals
Madurai District, Madurai

3.The Inspector of Police
Sapptur Police Station
Sapptur, Madurai District
(Crime No.210/2021)

... Respondents



WEB COPY

W.P.(MD) No.25136 of 2022

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, directing the third respondent to release the petitioners' Tractors bearing registration numbers (i)TN 65 A 9951, (ii)TN 40 Y 3242, (iii) TN 25 K 3414 and the owner of JCB Engine bearing registration number (iv). TN 69 AV 1049 seized on 15.09.2021 and keeping under the custody of the third respondent, by considering the petitioners' representations dated 10.10.2022.

For Petitioners : Mr.T.Vadivelan

For Respondents : Mr.N.GA.Natraj
Government Advocate for R1 & R2
: Mr.T.Senthil Kumar
Additional Public Prosecutor for R3

ORDER

[Order of the Court was made by The Hon'ble ACTING CHIEF JUSTICE]

Mr.N.GA.Natraj, learned Government Advocate, takes notice for the respondents 1 & 2 and Mr.T.Senthil Kumar, learned Additional Public Prosecutor, takes notice for the third respondent.



W.P.(MD) No.25136 of 2022

WEB COPY

2. The prayer in this writ petition is for issuance of a writ of mandamus directing the third respondent to release the Tractors bearing registration numbers (i)TN65 A9951, (ii)TN40 Y3242 & (iii)TN25 K3414 belonging to the petitioners 1, 2 & 4 and the JCB bearing registration number TN69 AV1049, belonging to the third petitioner, which were all seized by the third respondent on 15.09.2021 and are kept under his custody, based on the petitioners' representations dated 10.10.2022.

3. When the matter was taken up for hearing, learned Additional Public Prosecutor appearing for the third respondent, on instructions, submitted that the relief sought for by the petitioners is to return their vehicles, for which, they have to necessarily approach the learned Judicial Magistrate, Peraiyur and redress their grievance.

4. At this juncture, learned counsel for the petitioners submitted that if that be so, he is withdrawing the writ petition with liberty to the petitioners to approach the learned Judicial Magistrate, Peraiyur, by filing necessary applications, for redressal of their grievance and to that effect, he has also made an endorsement.



W.P.(MD) No.25136 of 2022

WEB COPY

5. In view of the endorsement so made, the writ petition is dismissed as withdrawn with liberty to the petitioners to approach the learned Judicial Magistrate, Peraiyur, for return of their vehicles, by filing necessary applications. It is needless to mention that on filing such applications by the petitioners, the learned Judicial Magistrate, Peraiyur, shall consider the same and pass appropriate orders on merits and in accordance with law. No costs.

[T.R., A.C.J.] [R.M.D., J.]

04.11.2022

(2/2)

Index : Yes / No

Internet : Yes / No

krk / myr

To:

- 1.The Revenue Divisional Officer,
Madurai West Revenue Division,
Madurai, Madurai District.
- 2.The Assistant Director of Mines and Minerals,
Madurai District, Madurai.
- 3.The Inspector of Police,
Sapptur Police Station,
Sapptur, Madurai District.



WEB COPY



W.P.(MD) No.25136 of 2022

T.RAJA, A.C.J.
and
R.MAHADEVAN, J.

krk / myr

W.P.(MD) No.25136 of 2022

04.11.2022

(2/2)