



WEB COPY



W.P.No.25793 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2023

CORAM: JUSTICE N.SESHASAYEE

W.P.No.25793 of 2023

Prasath

...Petitioner

-Vs-

1.The Deputy Director,
Geology and Mining Department,
Dharmapuri.

2.The Inspector of Police,
Thoppur Police Station,
Dharmapuri.
(Crime No.43 of 2022)

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to implement the order made in Cr.M.P.No.1606 of 2022 dated 01.09.2022 passed by the learned Principal Sessions Judge, Dharmapuri, to unload the multi colour granite loaded in Ashok Leyland lorry bearing registration No.TN 28 AJ 1910 forthwith and to return the vehicle to the petitioner.

For Petitioner : Mr.C.Prabakaran

For R1 : Mr.V.Manoharan,
Additional Government Pleader

For R2 : Mr.N.Muthuvel,
Government Advocate (Crl. Side)



W.P.No.25793 of 2023

ORDER

The case of the petitioner is that his lorry was seized by the first respondent on the allegation it was transporting quarried granite without proper permit.

2.The learned counsel for the petitioner submits that the vehicle has since been handed over by the first respondent to the second respondent. However, the second respondent has not produced the vehicle before the lower Court. Hence, he seeks a direction to the respondents to unload the lorry off the granite and to produce the vehicle before the concerned Sub Court for him to move the Court for return of the vehicle.

3.The learned counsel for the petitioner also submitted that the learned Principal Sessions Judge, Dharmapuri in CrI.M.P.No.1606 of 2022 has directed the Authorities to do what is required to be done by the petitioner before this Court.

4.The Authorities now appear to require two orders to do the same thing. This is unfortunate, as it unnecessarily involves wastage of the judicial time. The respondents are now required to abide by the order of the



W.P.No.25793 of 2023

learned Principal Sessions Judge, Dharmapuri in CrI.M.P.No.1606 of 2022 dated 01.09.2022 and if they call for any further clarification or modification of the said order, they have to approach the concerned Principal District Court and cannot sit on the order passed by the learned Judge indefinitely. The entire exercise is required to be complied within a period of two (2) weeks from today.

5.The Writ Petition is disposed of accordingly. No costs.

04.09.2023

Index : Yes/No

Internet : Yes/No

kas

To

1.The Deputy Director,
Geology and Mining Department,
Dharmapuri.

2.The Inspector of Police,
Thoppur Police Station,
Dharmapuri.
(Crime No.43 of 2022)

3.The Principal Session Court,
Dharmapuri.

N.SESHASAYEE, J.,



WEB COPY



W.P.No.25793 of 2023

kas

W.P.No.25793 of 2023

04.09.2023