



W.P.No.8101 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 07.03.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.8101 of 2025

S.Jayaprakash

.. Petitioner

Versus

1. The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Cuddalore Taluk & District.

2. The Station House Officer,
Pudupettai Police Station,
Cuddalore District.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus directing the respondents to release the Ashok Leyland, Tipper Lorry, bearing Number TN.05.C.8830 to the petitioner.

For Petitioner : Mr.K.Raveendran

For Respondents : Mr.Stalin Abhimanyu,



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Additional Government Pleader,
for R1

: Dr.C.E.Pratap,
Government Advocate (Crl. Side),
for R2

ORDER

This Writ Petition is filed for a mandamus directing the respondents to release the Ashok Leyland, Tipper Lorry, bearing No.TN.05.C.8830 to the petitioner and to pass such further or other orders.

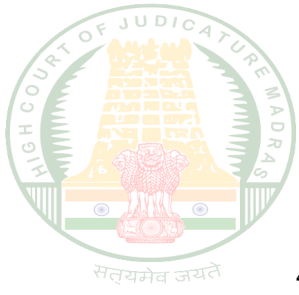
2. The grievance of the petitioner is that the petitioner's lorry was taken custody by the respondents by claiming that it was involved in illegally transporting half unit of river sand from Thenpennai river and a case in Crime No.493 of 2020 was also registered. When the petitioner approached the jurisdictional magistrate, by an application under Section 451 of the Code of Criminal Procedure, the same was refused. Therefore, the petitioner is before this Court.



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3. When the matter is taken up for hearing, the learned Government Advocate for the second respondent would submit that the petitioner's vehicle was seized pursuant to the case in Crime No.493 of 2020 on the file of the second respondent and the same was also deposited into the concerned Court vide C.P.No.111 of 2022 and it is for the petitioner to approach the competent Court and get return of the vehicle either under Section 451 of the Code of Criminal Procedure pending trial or under Section 457 of the Code of Criminal Procedure after the trial is over. The petitioner made an application before the learned Judicial Magistrate No.II, Panruti and an order was passed on 15.09.2022 in CrI.M.P.No.1599 of 2022 directing the petitioner to approach the appropriate Special Court. Since the offence is triable by the Special Court under the Mines and Minerals (Development and Regulation) Act, the petitioner has to file the application under Section 451 of the Code of Criminal Procedure before the appropriate Special Court.



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4. Therefore, with such liberty kept open to the petitioner to approach the Special Court, this Writ Petition stands disposed of. There shall be no order as to costs.

07.03.2025

Neutral Citation : no
grs

To

1. The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Cuddalore Taluk & District.
2. The Station House Officer,
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D.BHARATHA CHAKRAVARTHY, J.

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