



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.3769 of 2021

(Through Video Conferencing)

Kala

: Petitioner

Vs.

1.The Assistant Director of Mines & Minerals,
Geology and Mines,
Tirunelveli District.

2.The Sub Collector,
Cheranmahadevi
Tirunelveli District.

3. The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus directing the respondents and their subordinates to release the TATA ACE bearing registration No.TN-22-CD-1127 seized on 28.01.2021 by the 3rd respondent and which is now under the custody of the 3rd respondent to the petitioner.

For Petitioner : Mr.D.Venkatesh

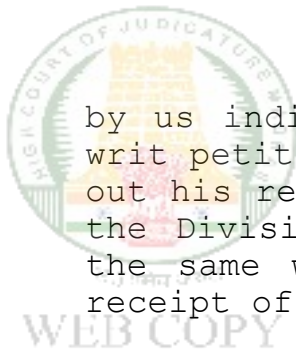
For Respondents : Mr.K.P.Krishna doss,
Special Government Pleader.

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner, who is claiming to be the owner of the vehicle, seeks release of the same by filing the writ petition in pursuant to his representation made on 29.01.2021.

2.We have already held that remedy open to the petitioner is to approach the jurisdictional designated Court and not to invoke the extraordinary jurisdiction of this Court. This is also for the reason that power of confiscation is available to the designated Court. Though an FIR has been registered, the offence involved would include Section 21(1) of the Mines and Minerals Act. Such a situation has already been taken note of by way of a clarification



by us indicating the procedure to be followed. Thus, the present writ petition stands closed giving liberty to the petitioner to work out his remedy in the manner known to law in tune with the order of the Division Bench. If any application is made by the petitioner, the same would be disposed of within two weeks from the date of receipt of such application. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Assistant Director of Mines & Minerals,
Geology and Mines,
Tirunelveli District.
- 2.The Sub Collector,
Cheranmahadevi
Tirunelveli District.
3. The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-14332[F] dated 30/03/2021)

Order made in
W.P. (MD)No.3769 of 2021
Dated: 29.03.2021

RK (21.04.2021) 2P 5C