



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.3571 of 2021

C.Raj

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Sankarankovil,
Tenkasi District.

2.The Assistant Director,
Mines and Minerals Department,
Tenkasi District.

3.The Inspector of Police,
Puliyangudi Police Station,
Puliyangudi,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to release the petitioner's vehicle ie., Tractor bearing Registration No.TN 79 H 1283 along with Trailer bearing Registration No.TN 72 W 2819 and JCB bearing Registration No.TN 28 AY 2010 seized by the third respondent on 20.01.2021 by considering the petitioner's representation dated 16.02.2021.

For Petitioner : Mr.P.Balamurugan

For Respondents : Mr.K.P.Krishnadass

Special Government Pleader

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, 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 16.02.2021.

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.

3. Accordingly, 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 [2] weeks from the date of receipt of such application. However, there shall be no order as to costs

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

MR

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 Revenue Divisional Officer,
Sankarankovil, Tenkasi District.

2. The Assistant Director,
Mines and Minerals Department,
Tenkasi District.

3. The Inspector of Police,
Puliyangudi Police Station,
Puliyangudi, Tenkasi District.

+1 CC to M/s.SPL GP (SR-16480[F] dated 19/04/2021)

ORDER MADE IN
W.P. [MD] No. 3571 of 2021
17.04.2021

RK (28.04.2021) 2P 5C