



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.3995 of 2021**

(Through Video Conferencing)

Muthukrishnan

: Petitioner

Vs.

1.The Revenue Divisional Officer,  
Kulithalai  
Karur District.

2.The Tahsildar,  
Krishnarayapuram Taluk  
Karur District.

3.The Assistant Director,  
Mines and Minerals Department  
Karur District.

4.The Inspector of Police,  
Mayanoor Police Station,  
Karur District.

: Respondents

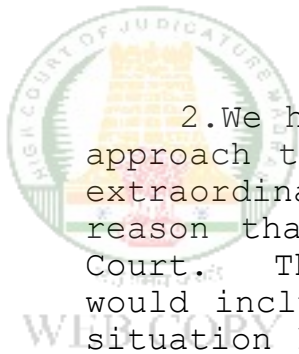
**PRAYER:** Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus directing the respondents to consider the petitioner's representation on 16.02.2021 for release of the petitioner Bullock Cart seized on 21.06.2019 hand over to the petitioner.

For Petitioner : Mr.B.Santhanarajeshkumar  
For Respondents : Mrs.J.Padmavathi Devi  
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 Bullock Cart, 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. Though the petitioner seeks to release the Bullock Cart, the offence appears to be the same. It appears that the present modus operandi of using bullock cart amounts to modernized shipping of sand.

3. The learned counsel for the petitioner submitted that the petitioner has got a valid permit. We are afraid that the said contention cannot be countenanced, as it can only be raised before the jurisdictional Court. Further, nothing has been produced to substantiate the same. 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-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,  
Kulithalai, Karur District.

2. The Tahsildar,  
Krishnarayapuram Taluk  
Karur District.



3.The Assistant Director,  
Mines and Minerals Department  
Karur District.

4.The Inspector of Police,  
Mayanoor Police Station,  
Karur District.

+1 CC to M/s.SPL GP ( SR-14341[F] dated 30/03/2021 )

Order made in  
**W.P. (MD)No.3995 of 2021**

Dated: 29.03.2021

GS(21.04.2021) 3P 6C