



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.3788 of 2021

(Through Video Conferencing)

Palaniappan : Petitioner

Vs.

1.The Assistant Director,
Tamilnadu Mines and Minerals Department
Pudukottai District, Pudukottai.

2.The Revenue Divisional Officer,
Aranthangi, Pudukottai District.

3.The Inspector of Police
Aranthangi Police Station,
Pudukottai 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 3rd respondent to release the petitioner's Bullock Cart which is under the custody of the 3rd respondent in connection with Crime No.151 of 2020 dated 28.03.2020 on the basis of the petitioner's representation dated 17.02.2021.

For Petitioner : Mr.M.Anbarasan

For Respondents : Mr.K.Mu.Muthu

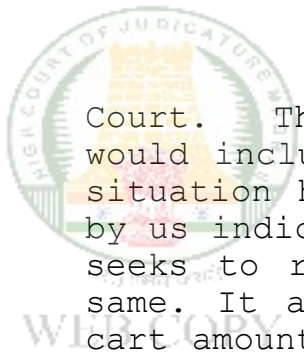
Additional Government Pleader.

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 17.02.2021.

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. 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 (P&A)

// 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 Assistant Director,
Tamilnadu Mines and Minerals Department
Pudukottai District, Pudukottai.

2.The Revenue Divisional Officer,
Aranthangi, Pudukottai District.

3.The Inspector of Police
Aranthangi Police Station,
Pudukottai District.

+1 CC to M/s.SPL GP (SR-14799[F] dated 31/03/2021)

Order made in
W.P. (MD)No.3788 of 2021
Dated: 30.03.2021

GS(21.04.2021) 2P 5C

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