



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.03.2021**

CORAM:

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MRS. JUSTICE S.ANANTHI**

W.P. (MD)No.3998 of 2021
(Through Video Conferencing)

M.Subbaiah

: Petitioner

Vs.

- 1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.
- 2.The Inspector of Police,
Krishnankovil Police Station,
Krishnankovil,
Virudhunagar District.
- 3.The Assistant Director,
Department of Geology and Mining,
Virudhunagar 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 herein to release the petitioner's vehicle / Tractor, brand name, Swaraj 744, bearing registration No.TN 69 AT 6513 along with two wheel Tipping Trailer bearing registered No.TN 65 AC 8460 seized by the second respondent on 28.07.2020 to the petitioner.

For Petitioner : Mr.A.Balaji

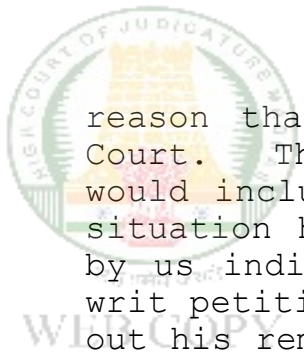
For Respondents : Mr.K.P.Krishnadoss
Special Government Pleader

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 28.08.2020.

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. In the event of filing a petition before the jurisdictional designated Court, the said Court is expected to dispose of the same, on merits and in accordance with law, within a period of two weeks from the date of receipt of such an application. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gk

To

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.

2.The Inspector of Police,
Krishnankovil Police Station,
Krishnankovil,
Virudhunagar District.

3.The Assistant Director,
Department of Geology and Mining,
Virudhunagar District.

+1 CC to M/s.A.BALAJI, Advocate (SR-13127[F] dated 23/03/2021)

+1 CC to M/s.SPL GP (SR-13291[F] dated 24/03/2021)

Order made in
W.P. (MD)No.3998 of 2021
Dated: 23.03.2021

GS (06.05.2021) 2P 6C