



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.5064 of 2021

(Through Video Conferencing)

Chandran

: Petitioner

Vs.

1.The Revenue Divisional Officer,
Aruppukottai Sub Division,
Virudhunagar District

2.The Assistant Director,
Mines and Mineral department
Virudhunagar District.

3.The Inspector of Police,
M.Reddiapatti Police Station,
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 tipper lorry bearing registration No.TN 31 AQ 1006 to the petitioner forthwith based on the petitioner's representation dated 19.02.2021.

For Petitioner : Ms.A.S.Rajeswari

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 vehicle, seeks release of the same by filing the writ petition in pursuant to the his representation made on 19.02.2021.

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. 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. No costs.

Sd/-

Assistant Registrar (CSII)

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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,
Aruppukottai Sub Division,
Virudhunagar District

2.The Assistant Director,
Mines and Mineral department
Virudhunagar District.

3.The Inspector of Police,
M.Reddiapatti Police Station,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-10158[F] dated 10/03/2021)

+1 CC to M/s.A.S.RAJESWARI, Advocate (SR-10020[F] dated 10/03/2021)

W.P. (MD)No.5064 of 2021

Dated: 09.03.2021

NA (CO)

KB(25.03.2021) 2P 6C