



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.03.2021**

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.5418 of 2021

(Through Video Conferencing)

Thangapandi

: Petitioner

Vs.

1.The Revenue Divisional Officer,
Thoothukudi,
Thoothukudi District.

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

3.The Inspector of Police,
Seithur Police Station,
Virudhunagar,
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, namely, Mahindra Tractor bearing registration No.TN 58 Z 1870, seized by the third respondent on 18.01.2021 to the petitioner by considering the representation dated 10.02.2021.

For Petitioner : Mr.R.Niresh Kumar

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 the his representation made on 10.02.2021.

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 (CS-I)

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// 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,
Thoothukudi,
Thoothukudi District.
- 2.The Assistant Director,
Mines and Mineral department
Thoothukudi District.
- 3.The Inspector of Police,
Seithur Police Station,
Virudhunagar,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-11169[F] dated 15/03/2021)

W.P. (MD)No.5418 of 2021

Dated: 12.03.2021

SSS(CO)

KB(30.03.2021) 2P 5C