



WEB COPY

W.P. (MD) No.5216 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2021

CORAM:

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

W.P. (MD) No.5216 of 2021
(Through Video Conferencing)

Manoharan

: Petitioner

Vs.

- 1.The Assistant Director,
Geology and Mining Department
Pudukottai District
Pudukottai.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Pudukottai, Pudukottai District.
- 3.The Inspector of Police,
Karambakudi Police Station,
Pudukottai District.
in Crime No.775/2020

: 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 release the petitioner's bullock cart from their custody and to hand over the possession of bullock cart to him.

For Petitioner : Mr.M.Ramu
For Respondents : Mr.K.P.Krishnadass
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 the representation made on 24.02.2021.

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 (Development and Regulations) Act, 1957. 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. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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,
Geology and Mining Department
Pudukottai District
Pudukottai.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Pudukottai,
Pudukottai District.
- 3.The Inspector of Police,
Karambakudi Police Station,
Pudukottai District.

+1 CC to M/s.SPL GP (SR-10932[F] dated 12/03/2021)

Order made in
W.P. (MD) No.5216 of 2021
Dated: 11.03.2021

ES (CO)

KK(23.03.2021) 2P 5C

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