



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2021

CORAM:

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

W.P. (MD)No.6450 of 2021
(Through Video Conferencing)

N.Thasaratha Moorthy : Petitioner
Vs.

1.The Assistant Director,
Geology and Mines Department
Tuticorin District.

2.The Revenue Divisional Officer,
Tiruchendur Taluk
Tiruchendur
Tuticorin District.

3.The Sub Inspector of Police,
Tiruchendur Police Station,
Tiruchendur
Tuticorin 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 2nd respondent to release the vehicle of the petitioner bearing registration No.TN65 AW4637 from the custody of the 3rd respondent police and hand over the above vehicle to the petitioner by considering the representation dated 11.02.2021 within a time limit that may be stipulated by this Court.

For Petitioner : Mr.S.Sivathilakar

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 11.02.2021.



2.We have already held that remedy open to the petitioner has 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. As and when an application is filed by the petitioner, the same would be disposed of within 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)

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 Mines Department
Tuticorin District.
- 2.The Revenue Divisional Officer,
Tiruchendur Taluk
Tiruchendur
Tuticorin District.
- 3.The Sub Inspector of Police,
Tiruchendur Police Station,
Tiruchendur
Tuticorin District.



+1 CC to M/s.S.SIVA THILAKAR, Advocate (SR-12973[F] dated 23/03/2021)

+1 CC to M/s.SPL GP (SR-12934[F] dated 23/03/2021)

Order made in
W.P. (MD)No.6450 of 2021

Dated: 22.03.2021

GS (21.04.2021) 3P 6C