



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2021

CORAM:

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND**

THE HONOURABLE MRS. JUSTICE S.ANANTHI

**W.P. (MD)No.5768 of 2021
(Through Video Conferencing)**

R.Manikandan : Petitioner
Vs.

1.The Revenue Divisional Officer
O/o. the Revenue Divisional Officer,
Pattukottai Taluk
Thanjavur District.

2.The Assistant Director,
Mines and Minerals Department
Thanjavur District,
Thanjavur.

3.The Inspector of Police
Pandhanallur Police Station,
Thanjavur District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the respondents to release the petitioner's vehicle viz., Mahindra 475 D1 Red Colour Tractor bearing Registration No.TN 68 B 4977 seized by the 3rd respondent on 15.02.2021 on the basis of the petitioner's representation dated 09.03.2021.

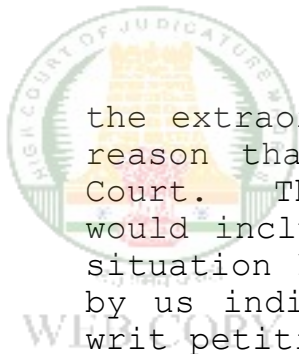
For Petitioner : Mr.K.A.S.Prabhu
For Respondents : Mr.K.Mu.Muthu
Additional Government Pleader

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 09.03.2021.

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. No costs.

Sd/-

Assistant Registrar (CS-II)

// 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 Revenue Divisional Officer
O/o. the Revenue Divisional Officer,
Pattukottai Taluk
Thanjavur District.

2.The Assistant Director,
Mines and Minerals Department
Thanjavur District,
Thanjavur.

3.The Inspector of Police
Pandhanallur Police Station,
Thanjavur District.

+1 CC to SPL GP (SR-11505[F] dated 16/03/2021)

Order made in
W.P. (MD)No.5768 of 2021
Dated: 15.03.2021

KM (25.03.2021) 2P 5C