



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.6962 of 2021

(Through Video Conferencing)

Tamilselvi : Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy

2.The Commissioner of Police
Trichy City, Trichy.

3.The Revenue Divisional Officer,
Trichy
Trichy District.

4.The Assistant Director,
Mines and Minerals Department
Trichy District.

5.The Inspector of Police,
Sessions Court Police Station,
Trichy.

: 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 tipper lorry bearing registration No.TN45-AX9596 seized by the 3rd respondent by consider the petitioner's representation dated 20.03.2021 within a time frame stipulated by this Court.

For Petitioner : Ms.R.Yamuna

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 her representation made on 20.03.2021.

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 her remedy in the manner known to law in tune with the order of the Division Bench. If any application is made by the petitioner, the same would be disposed of within two weeks from the date of receipt of such application. No costs.

Sd/-

Assistant Registrar (CS-II)

// 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 District Collector,
Trichy District, Trichy
- 2.The Commissioner of Police
Trichy City, Trichy.
- 3.The Revenue Divisional Officer,
Trichy, Trichy District.



4.The Assistant Director,
Mines and Minerals Department
Trichy District.

5.The Inspector of Police,
Sessions Court Police Station,
Trichy.

+1 CC to M/s.SPL GP (SR-14398[F] dated 30/03/2021)

Order made in
W.P. (MD)No.6962 of 2021

Dated: 29.03.2021

GS(21.04.2021) 3P 7C