



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.03.2021**

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.7254 of 2021

(Through Video Conferencing)

P.Sathiyamoorthy : Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Pudukkottai,
Pudukkottai District.

2.The Assistant Director of Mines,
Tamil Nadu Mines and Mineral Department,
Pudukkottai,
Pudukkottai District.

3.The Inspector of Police,
Karur Police Station,
Avadaiyur Kovil Circle,
Pudukkottai District.

: Respondents

PRAYER: Petition 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 JCB, bearing registration No.TN 55 BX 4253 vehicle and hand over the same to the petitioner in accordance with law, within the, time stipulated by this hon'ble court.

For Petitioner : Mr.A.P.Balasubramanian

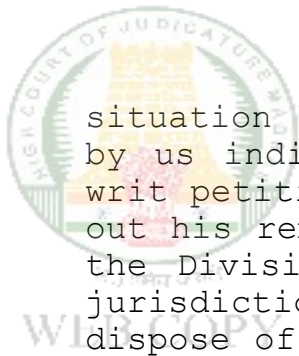
For Respondents : Mrs.J.Padmavathi Devi
Special Government Pleader

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 27.03.2021.

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 his remedy in the manner known to law in tune with the order of the Division Bench. In the event of filing a petition before the jurisdictional designated Court, the said Court is expected to dispose of the same, on merits and in accordance with law, within a period of two weeks from the date of receipt of such an application. No costs.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

- 1.The District Collector,
Office of the District Collector,
Pudukkottai,
Pudukkottai District.
- 2.The Assistant Director of Mines,
Tamil Nadu Mines and Mineral Department,
Pudukkottai,
Pudukkottai District.
- 3.The Inspector of Police,
Karur Police Station,
Avadaiyur Kovil Circle,
Pudukkottai District.

+1 CC to M/s.A.P.BALASUBRAMANIAN, Advocate (SR-14721[F] dated 31/03/2021)

+1 CC to M/s.SPL GP (SR-15001[F] dated 01/04/2021)

W.P. (MD)No.7254 of 2021

Dated: 31.03.2021

DKS (CO)

GS(24.04.2021) 2P 6C