



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.10060 of 2021

WEB COPY

A.Thavamuniyasamy : Petitioner

Vs.

1.The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

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

3.The Inspector of Police,
Puthiyamputhur Police Station,
Thoothukudi 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 third respondent to release the petitioner's Tipper Lorry bearing registration No.TN 69 AY 9050, Engine No.TBE150484Z Chasis No.MB1G3DYC6BETF5678, seized by the third respondent police in Crime No.71 of 2021.

For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mr.R.Baskaran

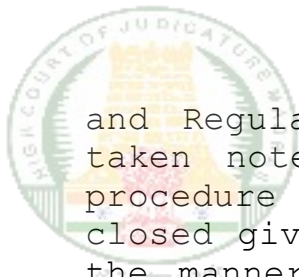
Standing Counsel for Government

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

The petitioner, who is claiming to be the owner of the vehicle, seeks release of the same by filing the writ petition.

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 First Information Report has been registered, the offence involved would include Sections 379 of the Indian Penal Code and 21(4) of the Mines and Minerals (Development



and Regulation) Act, 1957. 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 (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

RM

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,
Kovilpatti,
Thoothukudi District.

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

3.The Inspector of Police,
Puthiyamputhur Police Station,
Thoothukudi District.

+1 CC to SPL GP (SR-19425[F] dated 16/06/2021)

ORDER MADE IN

W.P. [MD]No.10060 of 2021

14.06.2021