



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.10111 of 2021

M.Saravanan

: Petitioner

Vs.

- 1.The Assistant Director,
Mines and Minerals,
Madurai District.
- 2.The Tahsildar,
Vadipatti Taluk,
Madurai District.
- 3.The Inspector of Police,
Alanganallur Police Station,
Madurai 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 respondents to release the petitioner's vehicle namely Ashok Leyland Tipper Lorry bearing registration No.TN 64 8474 forthwith.

For Petitioner : Mr.R.Anand

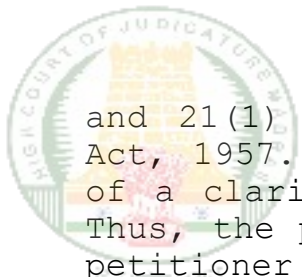
For Respondents : Mr.A.K.Manickam,
Standing Counsel for Government

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 in pursuant to his representation made on 11.06.2021.

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 First Information Report has been registered, the offence involved would include Sections 379 of the Indian Penal Code



and 21(1) 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 (CSI)

// 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.

RM
To

- 1.The Assistant Director,
Mines and Minerals,
Madurai District.
- 2.The Tahsildar,
Vadipatti Taluk,
Madurai District.
- 3.The Inspector of Police,
Alanganallur Police Station,
Madurai District.

ORDER MADE IN
W.P.[MD]No.10111 of 2021
15.06.2021

GS (23.06.2021) 2P 4C