



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]Nos.10919, 10921 & 10923 of 2021

WEB COPY

Saminathan	: Petitioner in W.P.[MD]No.10919/21
Subbিরamanian	: Petitioner in W.P.[MD]No.10921/21
Latha	: Petitioner in W.P.[MD]No.10923/21

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Thanjavur,
Thanjavur District.

2.The Inspector of Police,
Orthanadu Police Station,
Thanjavur District.

3.The Assistant Director,
Tamil Nadu Mines and Minerals,
Thanjavur District.

... Respondents

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writs of Mandamus, directing the respondents to release the petitioners' Tractor & Trailer bearing Registration No.TN-49-AE-8609, JCB bearing Registration No.TN 49 BR 3669 (Engine No.4H32011822389, Chassis No.BM1121808168), Tractor & Trailer bearing Registration No.TN 49 BP 1676, respectively, pertaining to the case in Cr.No.509 of 2021, on the file of the second respondent herein and return the vehicles to the petitioners based on their representations dated 25.06.2021.

For Petitioners : Mr.K.M.Karunakaran
in all WPs

For Respondents : Mr.R.Baskaran
Standing Counsel for Government
[In all Writ Petitions]

COMMON ORDER

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

The petitioners, who are claiming to be the owners of the vehicles, seek release of the same by filing the writ petitions in pursuant to their representations made on 25.06.2021.

2.We have already held that remedy open to the petitioners is

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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 Sections 379 IPC and 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.

3. Accordingly, the present writ petitions stand closed, giving liberty to the petitioners to work out their remedy in the manner known to law in tune with the order of the Division Bench. If any applications are made by the petitioners, the same would be disposed of within two [2] weeks from the date of receipt of such applications. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

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,
Revenue Divisional Office,
Thanjavur, Thanjavur District.

2. The Inspector of Police,
Orthanadu Police Station,
Thanjavur District.

3. The Assistant Director,
Tamil Nadu Mines and Minerals,
Thanjavur District.

+1 CC to M/s.SPL GP (SR-21196[F] dated 05/07/2021)

COMMON ORDER MADE IN

W.P. [MD]Nos.10919, 10921 & 10923 of

2021

02.07.2021

CN(14.07.2021) 2P 5C