



WEB COPY

**W.P.(MD).No.11512 of 2021**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 12.07.2021**

**CORAM:**

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM**

**AND**

**THE HONOURABLE MRS.JUSTICE S.ANANTHI**

**W.P. (MD) .No.11512 of 2021**

G.Manikandan

...Petitioner

Vs.

1.The Revenue Divisional Officer,  
Sivakasi,  
Srivilliputhur,  
Virudhunagar District.

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

3.The Inspector of Police,  
Mamsapuram Police Station,  
Mamsapuram,  
Virudhunagar District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a writ of Mandamus, to direct the respondents to release the petitioner's vehicle ie, Tractor bearing Registration No.TN-48-M-0653 along with Trailer seized by the third respondent on 17.01.2021 by considering the petitioner's representation dated 05.07.2021.

For Petitioner : Mr.P.Balamurugan

For Respondents : Mr.A.K.Manikkam  
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 05.07.2021.

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 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 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. If any application is made by the petitioner, the same would be disposed of within two [2] weeks from the date of receipt of such application. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CO)

// 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,  
Sivakasi,  
Srivilliputhur,  
Virudhunagar District.

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

3. The Inspector of Police,  
Mamsapuram Police Station,  
Mamsapuram,  
Virudhunagar District.

+1 CC to M/s.P.BALAMURUGAN, Advocate  
( SR-22066[F] dated 12/07/2021 )

+1 CC to M/s.SPL GP ( SR-22274[F] dated 13/07/2021 )

**W.P. (MD) .No.11512 of 2021**

**12.07.2021**

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