



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.12100 of 2021

Vivek

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Melur,
Madurai District.

2.The Assistant Director,
Department of Geology and Mining,
Madurai District.

3.The Inspector of Police,
Melavalavu Police Station,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to release the petitioner's Tipper lorry bearing Reg.No. TN 21 AH 8920 (Ashok Leyland) considering the petitioner's representation dated 24.05.2021, within the time limit stipulated by this Court.

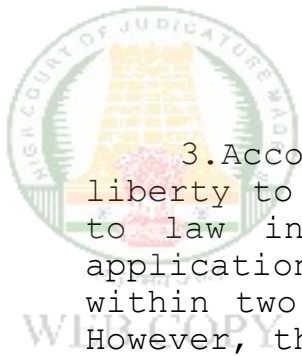
For Petitioner : Mr.M.Jagadeeshpandian
For Respondents : Mr.A.K.Manickam
Standing Counsel for Government

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 24.05.2021.

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(5) 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 (CS-I)

// 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,
Melur,
Madurai District.
- 2.The Assistant Director,
Department of Geology and Mining,
Madurai District.
- 3.The Inspector of Police,
Melavalavu Police Station,
Madurai District.

+1 CC to M/s.GP (SR-23486[F] dated 22/07/2021)

W.P.[MD]No.12100 of 2021
20.07.2021

MJ(CO)
KB(30.07.2021) 2P 5C