WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.07.2021
CORAM:
THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE S.ANANTHI
W.P.[MD]No.12520 of 2021

E.Kavitha : Petitioner

Vs.

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

2.The Assistant Director,
Department of Geology and Mines,
Thanjavur District,
Thanjavur.

3.State represented by
The Inspector of Police,
Thiruvonam Police Station,
Thanjavur 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 vehicle bearing registration No.TN 49 AR 9740 Mahindra DI 575 Tractor with Tipper to the petitioner involved in Cr.No.476 of 2021 on the file of Thiruvoname Police Station, Thanjavur District, as per the representation given by the petitioner to the respondents dated 09.07.2021.

For Petitioner : Mr.V.K.Vijayaragavan

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

O R D E R
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[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 her representation made on 09.07.2021.

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

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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 her 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 (CO)

// 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,
Thanjavur District, Thanjavur.

2.The Assistant Director,
Department of Geology and Mines,
Thanjavur District, Thanjavur.

3.The Inspector of Police,
Thiruvonam Police Station, Thanjavur District.

+1 CC to M/s.V.K.VIJAYARAGHAVAN, Advocate (SR-24084[F] dated 27/07/2021)

+1 CC to M/s.SPL GP (SR-24198[F] dated 28/07/2021)

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RD(2.08.2021) 2P 6C

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