



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.12643 of 2021

Mathimaran

: Petitioner

Vs.

1.The Assistant Director,
Geology and Mining,
Madurai District.

2.The Revenue Divisional Officer,
Thirumangalam,
Madurai District.

3.The Inspector of Police,
Thirumangalam 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 Tipper Lorry bearing registration No.TN 59 J 5499 seized in connection with Crime No.260 of 2021 on the file of the third respondent, based on the petitioner's representation, dated 05.07.2021.

For Petitioner : Mr.A.G.Sivaraj

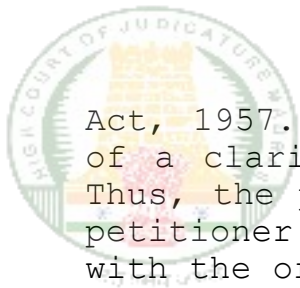
For Respondents : Mr.A.K.Manickkam,
Standing Counsel for Government

O R D E R

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

The petitioner seeks for a direction upon the respondents to release the Tipper Lorry bearing registration No.TN 59 J 5499 seized in connection with Crime No.260 of 2021 on the file of the third respondent, by considering his representation, dated 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 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.

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3. Admittedly, the petitioner is not a registered owner of the vehicle, but he claims to be an agreement holder. In such circumstances, we cannot direct the Special Court to consider the petitioner's application. However, if the petitioner along with registered owner approach the Court, the same can be considered and 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 (AE)

// 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 Assistant Director,
Geology and Mining,
Madurai District.
2. The Revenue Divisional Officer,
Thirumangalam,
Madurai District.
3. The Inspector of Police,
Thirumangalam Police Station,
Madurai District.

+1 CC to M/s.SPL GP (SR-24199[F] dated 28/07/2021)

W.P.[MD]No.12643 of 2021
26.07.2021

SSS(CO)
KB(03.08.2021) 2P 5C