



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P (MD)No.13416 of 2021

WEB COPY

Kulanthaisamy

... Petitioner

Vs.

- 1.The Assistant Director,
Office of the Assistant Director,
Tamil Nadu Mines and Mineral Department,
Pudukkottai District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Aranthangi Taluk,
Pudukkottai District.
- 3.The Tahsildar,
Office of the Tahsildar,
Avudaiyarkoil Post,
Avudaiyarkoil Taluk,
Pudukkottai District.
- 4.The Inspector of Police,
Avudaiyarkovil,
Karur Police Station,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the petitioner's Mahindra Tractor bearing Registration No.TN-55-AY-4036 and hand over to the petitioner by considering his representation, dated 15.07.2021 in accordance with law, within the time limit that may be stipulated by this Court.

For Petitioner

: Mr.R.Rajaselvan

For Respondents

: Mr.P.Thilak Kumar

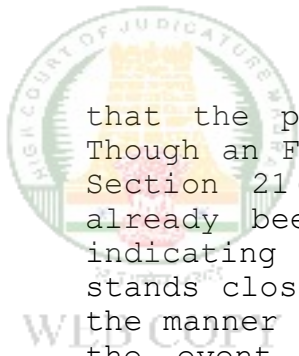
Standing Counsel for Government

ORDER

(Order of the Court was made by **M.DURAI SWAMY, J.**)

The petitioner, who is claiming to be the owner of the vehicle, seeks release of the same by filing the writ petition, pursuant to his representation dated 15.07.2021.

2.This Court had already held that the 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 the power of confiscation is available to the designated Court. Though an F.I.R., has been registered, the offence involved would include Section 21(1) of the Mines and Minerals Act. Such a situation had already been taken note of by way of a clarification by this Court 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. 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 four weeks from the date of receipt of such an application. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Office of the Assistant Director,
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Pudukkottai District.
- 4.The Inspector of Police,
Avudaiyarkovil,
Karur Police Station,
Pudukkottai District.

+1CC to M/s.R.Rajaselvan, Advocate (SR25237)
+1CC to The Special Government Pleader (SR25373)

W.P (MD) No.13416 of 2021
04.08.2021

SSS

RS (11.08.2021) 2P-7C
<https://hservices.courtsgo.in/hservices>