



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.13330 of 2021

WEB COPY

M.Periyasamy

...Petitioner

Vs.

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

2.The Assistant Director,
Geology and Mining,
Collectorate, Tenkasi District.

3.The Inspector of Police,
Sivagiri Police Station,
Tenkasi District,
Crime No.239 of 2021.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus directing the respondents to release the petitioner's Tractor bearing Registration No.TN-67-AZ-6577 along with Trailer bearing Registration No.TN-63-H-2503 based on the petitioner's representation dated 01.07.2021 within the time limit that maybe stipulated by this Court.

For Petitioner : Mr.B.Sathesh Kumar

For Respondents : Mr.P.Thilakkumar
Standing Counsel for Government

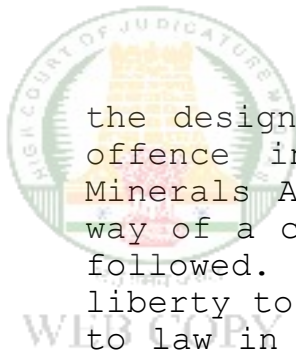
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ORDER

(Order of this 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 01.07.2021.

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 (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL

To

- 1.The Revenue Divisional Officer,
Tenkasi District,
Tenkasi.
- 2.The Assistant Director,
Geology and Mining,
Collectorate, Tenkasi District.
- 3.The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.

+1 CC to M/s.GP (SR-25169[F] dated 04/08/2021)

W.P. (MD)No.13330 of 2021

03.08.2021

RD(11.08.2021) 2P 5C