



WEB COPY

W.P(MD)No.15591 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.15591 of 2021

Subburam

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

2.The Inspector of Police,
Ettaiyapuram Police Station,
Thoothukudi District.
(Crime No.270 of 2021)

2.The Assistant Director,
Tamil Nadu Mines and Minerals,
Thoothukudi,
Thoothukudi District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus directing the respondents to release the Tipper Lorry bearing Registration No.TN 74 Z 9979 seized by the third respondent and produced to the second respondent for taking further action and thereafter, the FIR in Cr.No.270 of 20-21 was registered by the second respondent for the offence under Section 379 IPC r/w 21(1) of Mines and Mineral (Development and Regulation) Act, on the basis of the Petitioner's representation, dated 19.08.2021 and return the vehicle to the Petitioner.

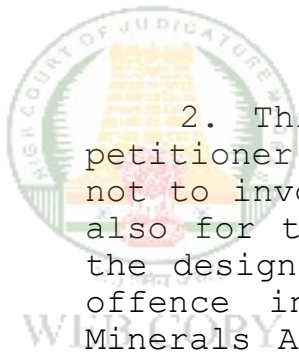
For Petitioner : Mr.C.Suresh Kannan

For Respondents : Mr.P.Thilakkumar
Government Pleader

ORDER

(Order of this Court was made by **K.MURALI SHANKAR, 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 19.08.2021.



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)

vsn

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,
Kovilpatti, Thoothukudi District.
- 2.The Inspector of Police,
Ettaiyapuram Police Station,
Thoothukudi District.
- 3.The Assistant Director,
Tamil Nadu Mines and Minerals,
Thoothukudi, Thoothukudi District

+1 CC to M/s.GP (SR-27899[F] dated 02/09/2021)

W.P (MD) No.15591 of 2021

01.09.2021

RK (09.09.2021) 2P 5C