



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.15989 of 2021

WEB COPY

C.Udhayasankar

... Petitioner

Vs.

1.The Assistant Director,
Geology and Mines Department,
Thanjavur District.

2.The Sub-Collector cum
Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

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

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus directing the second respondent to release the petitioner's JCB vehicle, bearing registration No.TN-48 BX-1132 from the custody of the third respondent's police and to hand over the above vehicle to the petitioner, by considering his representation dated 10.08.2021 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.P.Thilakkumar

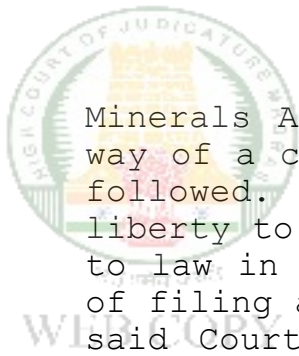
Standing Counsel for Government

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 10.08.2021.

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 III)

// 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,
Geology and Mines Department,
Thanjavur District.

2.The Sub-Collector cum
Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

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

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-28454[F] dated 07/09/2021)

+1 CC to M/s.GP (SR-28496[F] dated 08/09/2021)

W.P (MD) No.15989 of 2021
07.09.2021

RS (16.09.2021) 2P 6C