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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2021

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR**

W.P(MD)NO.16160 OF 2021

Appavu Nayakkar @ Appa Nayakkar ...Petitioner

Vs.

1.The Assistant Director of Geology and Mining,
Dindigul,
Dindigul District.

2.The Revenue Divisional Officer,
Palani,
Dindigul District.

3.The Inspector of Police,
Guziliamparai Police Station,
Dindigul District.
Cirme No.584 of 2021

... 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 Petitioner's Tipper Lorry Vehicle bearing Registration NO.TN 69 L 1405 which was seized by the third respondent on 30.7.2021.

For Petitioner : Mr.Mari Chelliah Prabhu
For Respondents : Mr.P.Thilakkumar
Government Pleader

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 18.08.2021.

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

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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 (ADII)

// 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 Assistant Director of Geology and Mining,
Dindigul,
Dindigul District.
- 2.The Revenue Divisional Officer,
Palani,
Dindigul District.
- 3.The Inspector of Police,
Guziliamparai Police Station,
Dindigul District.

+1 CC to M/s.SPL GP (SR-28674[F] dated 09/09/2021)

W.P (MD) NO.16160 OF 2021
08.09.2021

SRR(CO)
KB(17.09.2021) 2P 5C