



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.17346 of 2021

and

W.M.P(MD)Nos.14227 & 14229 of 2021

Esakivel

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.
- 3.The Assistant Director,
Mines and Minerals Department,
Virudhunagar District.
- 4.The Inspector of Police,
A.Mukkulam Police Station,
Thiruchuli Taluk,
Virudhunagar District.
- 5.The Village Administrative Officer,
Pulvaikarai Group,
Thiruchuli Taluk,
Virudhunagar District.

6.Nethaji

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to release the petitioner's vehicle namely Tipper Lorry bearing Registration No.TN-63-BK-1246 siezed by the fourth respondent police, based on the petitioner's representation dated 20.09.2021.

For Petitioner : Mr.R.Murugan

For RR 1 to 5 : Mr.P.Thilak Kumar
Government Pleader



ORDER

(Order of the Court was made by **M.DURAISWAMY, 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 20.09.2021.

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. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Indu/ps

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 District Collector,
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ARK (CO)
TR (27.09.2021) 3P 6C