



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2021

CORAM:

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

W.P(MD)NO.17723 of 2021

Varatharajan

....Petitioner

Vs.

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

2.The Assistant Director of Mines and Minerals,
Thoothukudi District,
Thoothukudi.

3.The Inspector of Police,
Murappanadu Police Station,
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 Petitioner's vehicle viz Bharath Benz Tipper Lorry bearing Registration No.TN 30 BL 8775, seized by the third respondent, within the period stipulated by this Court.

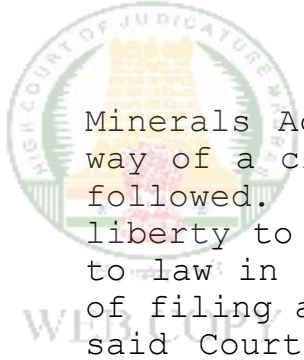
For Petitioner : Mr.K.Anand
For Respondents : Mr.P.Thilakkumar
Government Pleader

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 present writ petition.

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/lr

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,
Thoothukudi District,
Thoothukudi.
- 2.The Assistant Director of Mines and Minerals,
Thoothukudi District,
Thoothukudi.
- 3.The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.

+1 CC to M/s.K.ANAND, Advocate (SR-30791[F] dated 30/09/2021)

+1 CC to M/s.SPL.GP (SR-30884[F] dated 01/10/2021)

W.P (MD) NO.17723 of 2021
29.09.2021

KS (CO)

KB (07.10.2021) 2P 6C