



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.17396 of 2021

Dharmar

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Dindigul Sub-Division,
Dindigul District.

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

3.The Inspector of Police,
Virusveedu Police Station,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the petitioner's vehicles viz., Tractor bearing Registration No.TN-57-CZ-4109 with Trailer TN-47-Z-0360 which was seized by the respondents in connection with Crime No.356 of 2021 dated 21.07.2021 on the basis of the petitioner's representation dated 03.08.2021.

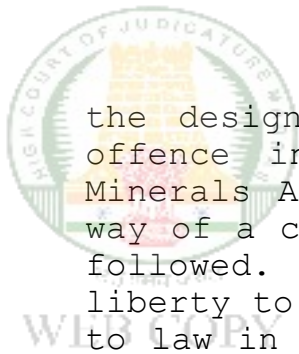
For Petitioner	: Mr.G.Sivaraja
For Respondents	: Mr.P.Thilak Kumar Government Pleader

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 03.08.2021.

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 (P&A)

// 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 Revenue Divisional Officer,
Dindigul Sub-Division,
Dindigul District.
- 2.The Assistant Director,
Tamil Nadu Mines and Minerals Department,
Dindigul District,
Dindigul.
- 3.The Inspector of Police,
Virusveedu Police Station,
Dindigul District.

+1 CC to M/s.SPL.GP (SR-30329[F] dated 27/09/2021)

W.P (MD)No.17396 of 2021
24.09.2021

DJ(CO)
KB(12.10.2021) 2P 5C