



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2021

CORAM:

WEB COPY

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

W.P(MD)NO.18162 of 2021

Selvakumar

...Petitioner

Vs.

1.The Revenue Divisional Officer,
Kulithalai,
Karur District.

2.The Assistant Director,
Mines and Minerals Department,
Karur District.

3.The Inspector of Police,
Chithipatti Police Station,
Karur 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 JCB Vehcile bearing Registration No. TN 52 U 2610, Engine No.EWHZ415630, Chassis No.MB1HTDFCOERWK3214, seized by the third respondent Police by considering the Petitioner's representation dated 09.09.2021 within the time stipulated by this Court.

For Petitioner : Mr.M.Karunanithi
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 09.09.2021.

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

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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 (AE)

// 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 Revenue Divisional Officer,
Kulithalai,
Karur District.
- 2.The Assistant Director,
Mines and Minerals Department,
Karur District.
- 3.The Inspector of Police,
Chithipatti Police Station,
Karur District.

+1 CC to M/s.M.KARUNANITHI, Advocate (SR-31257[F] dated 05/10/2021)

+1 CC to M/s.SPL.GP (SR-31351[F] dated 06/10/2021)

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KS(CO)

KB(11.10.2021) 2P 6C

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