



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.18374 of 2021

SR Construction Private Limited,
Represented by its Proprietor,
Rajkumar.

... 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, to issue a Writ of Mandamus, to direct the respondents to release the petitioner's JCB vehicle bearing Registration No.TN 28 BE 9859, Engine No.926956D0094722, Chassis No.MEC841EBBLP093259, seized by the third respondent Police by considering his representation dated 09.09.2021 within a time stipulated by this Court.

For Petitioner : Mr.M.Karunanithi

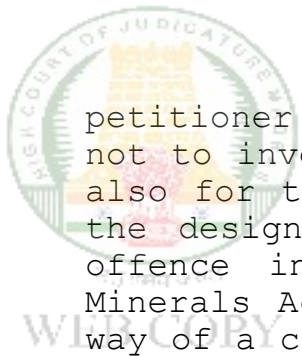
For Respondents : Mr.P.Thilak Kumar
Government Pleader

ORDER

(Order of the 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 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 (A.D.II)

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

Copy to:-

The Principal District Judge,Karur.

+1 CC to M/s.M.KARUNANITHI, Advocate (SR-31891[F] dated 11/10/2021)
+1 CC to M/s.SPL.GP (SR-31759[F] dated 08/10/2021)

W.P(MD)No.18374 of 2021
07.10.2021

RD(22.10.2021) 2P 7C

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