



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2021

CORAM:

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

W.P(MD)NO.18083 OF 2021

P.Periyasamy

....Petitioner

Vs.

1.The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.

2.The Inspector of Police,
Watrap Police Station,
Virudhunagar District.

3.The Assistant Director,
Mines and Minerals Department,
Virudhunagar District,
Virudhunagar.

... 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 Swaraj 735 Tractor with Trailers bearing Registration No. TN 58 J1576 and TN 58 Q6421 expeditiously.

For Petitioner : Mr.A.D.Ganesha Moorthi
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.

<https://hcservices.courts.gov.in/hcservices/>
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-III)

// 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,
Sivakasi,
Virudhunagar District.

2.The Inspector of Police,
Watrap Police Station,
Virudhunagar District.

3.The Assistant Director,
Mines and Minerals Department,
Virudhunagar District,
Virudhunagar.

+1 CC to M/s.A.D.GANESHA MOORTHY, Advocate (SR-31056[F] dated 04/10/2021)

+1 CC to M/s.SPL.GP (SR-31187[F] dated 05/10/2021)

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