



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.18302 of 2021

M.Muthukamatchi

... Petitioner

Vs.

1.The District Collector,
Theni District.

2.The Assistant Director,
Geology and Mines,
Theni District.

3.The Revenue Divisional Officer,
Uthamapalayam Taluk,
Theni District.

4.The Tahsildar,
Uthamapalayam,
Uthamapalayam Taluk,
Theni District.

5.The Revenue Inspector,
Markkayankottai,
Theni District.

6.The Inspector of Police,
Chinnamanur Police Station,
Uthamapalayam Taluk,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to release the Lorry bearing Registration No.TN 18 C 8685 to the petitioner forthwith.

For Petitioner

: Mr.D.Malaichamy

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 20.08.2021.

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 (AD-I)

// 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 District Collector,
Theni District.

2.The Assistant Director,
Geology and Mines,
Theni District.



3.The Revenue Divisional Officer,
Uthamapalayam Taluk,
Theni District.

4.The Tahsildar,
Uthamapalayam,
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6.The Inspector of Police,
Chinnamanur Police Station,
Uthamapalayam Taluk,
Theni District.

+1 CC to M/s.SPL.GP (SR-31745[F] dated 08/10/2021)

+1 CC to M/s.D.MALAICHAMY, Advocate (SR-31703[F] dated
08/10/2021)

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