



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2021

CORAM:

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND**

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P (MD)No.20430 of 2021

T.Thanikodi

... Petitioner

Vs.

- 1.The Sub-Collector,
Periyakulam,
Theni District.
- 2.The Assistant Director,
Geology and Mines Department,
Theni District.
- 3.The Sub Tahsildar,
Zonal - Sub Tahsildar,
Periyakulam Taluk,
Theni District.
- 4.The Inspector of Police,
Thenkarai Police Station,
Thenkarai,
Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to release the vehicles belongs to the petitioner's company TTK Construction bearing Registration No.TN59CH4732, TN59CH3748 and TN59CH3704 detained in Crime No.607/2021 for the alleged offence under Section 379 of the Indian Penal Code, 1860 and under Section 21(1) of the Mines & Minerals (Development & Regulation) Act, 1957 as above transportation of the sands are valid and legal under proceedings in Na.Ka.No.285/Minerals/2020 dated 20.10.2021 by the 2nd respondent and the Form of Registered Joint Agreement for Quarrying and Carrying away Minor Minerals by Lessee in Ryotwari Lands in which the Minerals belongs to Government dated 20.10.2021 for the purpose of National Highway Project at Dindigul - Kumili as per the condition No.5, within the period stipulated by this Hon'ble Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.P.Thilakkumar
Government Pleader

**ORDER**

(Order of the Court was made by PUSHPA SATHYANARAYANA, J.)

The writ petition has been filed by the petitioner seeking for a direction to the respondents herein to release the vehicles belongs to the petitioner's company TTK Construction bearing Registration Nos.TN-59-CH-4732, TN-59-CH-3748 and TN-59-CH-3704 seized by the respondents herein in respect of the case in Crime No.607 of 2021 on the file of the Inspector of Police, Thenkarai Police Station, Thenkarai, Theni District.

2. Heard Mr.A.Haja Mohideen, learned counsel appearing for the petitioner and Mr.P.Thilakkumar, learned Government Pleader appearing for the respondents.

3. An identical issue has been considered by the Hon'ble Division Bench of this Court in ***W.P(MD)No.3998 of 2021 (M.Subbaiah vs. The Revenue Divisional Officer, Virudhunagar District)*** and this Court has closed the Writ Petition, giving liberty to the petitioner to work out the remedy in the manner known to law. Relevant portion of the said order is extracted hereunder:

"2.We have already held that 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 power of confiscation is available to the designated Court. Though an FIR has been registered, the offence involved would include Section 21(1) of the Mines and Minerals Act. Such a situation has already been taken note of by way of a clarification by us 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 two weeks from the date of receipt of such an application. No costs."

4. In tune with the order of the Division Bench, if the petitioner files a petition before the jurisdictional designated Court, such Court shall dispose of the same on merits and in accordance with law within a period of two weeks from the date of receipt of such application.



5. In the light of the above order, the writ petition stands disposed of with similar observations made in W.P(MD).No.3998 of 2021. No costs.

Sd/-

Assistant Registrar (CS-I)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

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 Sub-Collector,
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Thenkarai,
Theni District.

+1 CC to M/s.SPL GP (SR-34579[F] dated 16/11/2021)

W.P(MD)No.20430 of 2021
15.11.2021

RK/PM(24/11/2021) 3P 6C