



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 05.01.2022**

**CORAM:**

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA**

**AND**

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

**W.P(MD)No.84 of 2022**

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Vinoth

... Petitioner

Vs.

1.The District Collector,  
Collector Office,  
Sivagangai District - 630 562.

2.The Revenue Divisional Officer,  
RDO Office,  
Sivagangai District - 630 561.

3.The Assistant Director,  
Geology and Mining,  
Collector Office,  
Sivagangai District - 630 562.

4.The Inspector of Police,  
Sipcot Police Station,  
Manamadurai,  
Sivagangai District - 630 606.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to release the Petitioner's Lorry bearing Registration No.TN-63-AB-8259 with JCB vehicle bearing Registration No.TN-20-CF-4719 from the custody of the 4<sup>th</sup> Respondent as per the earlier order of this Hon'ble Court of Division Bench Order in W.P.(MD) No.12285 of 2021, dated 22.07.2021, on the basis of the petitioner's Representation dated 20.12.2021, within a stipulated time may be fixed by this Hon'ble Court.

For Petitioner : Mr.R.Senthilkumar

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 Petitioner's Lorry bearing Registration No.TN-63-AB-8259 with JCB vehicle bearing Registration No.TN-20-CF-4719 from the custody of the 4<sup>th</sup> Respondent.



2. Heard Mr.R.Senthilkumar, 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/-

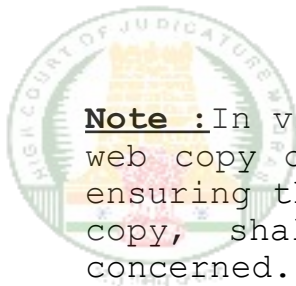
Assistant Registrar (CS-III)

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/ /2022

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.

**WEB COPY**

To:

- 1.The District Collector,  
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- 4.The Inspector of Police,  
Sipcot Police Station,  
Manamadurai,  
Sivagangai District - 630 606.

+1 CC to M/s.SPL.GP ( SR-588[F] dated 06/01/2022 )

**W.P (MD) No.84 of 2022**  
**05.01.2022**

**SR** (CO)

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