



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.05.2022

WEB COPY

CORAM
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.[MD]No.10178 of 2022

Sakthivel

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Tirunelveli District, Tirunelveli.

2.The Sub-Inspector of Police,
Perumalpuram Police Station,
Tirunelveli District.

3.The Assistant Director,
Department of Geology and Mines,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to release the petitioner's JCB vehicle bearing Registration No.TN-29-AK-6972 seized on 28.04.2022 by the second respondent.

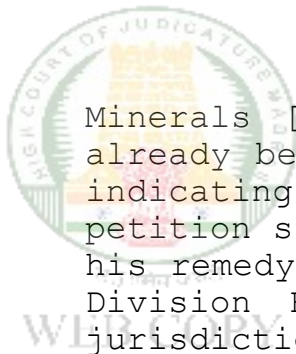
For Petitioner : Mr.P.M.Vishnuvarthanan
For Respondents : Ms.D.Farjana Ghoushia
Special Government Pleader

O R D E R

[Order of the Court was made by **ABDUL QUDDHOSE, J.**]

The petitioner, who is claiming to be the owner of the vehicle, seeks release of the same by filing the present writ petition.

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 FIR has been registered, the offence involved would include Section 21(1) of the Mines and



Minerals [Development and Regulation] 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 [4] weeks from the date of receipt of such an application. However, there shall be no order as to costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

To

1.The Revenue Divisional Officer,
Tirunelveli District, Tirunelveli.

2.The Sub-Inspector of Police,
Perumalpuram Police Station,
Tirunelveli District.

3.The Assistant Director,
Department of Geology and Mines,
Tirunelveli District.

+1 CC to M/s.SPL.GP (SR-23813[F] dated 19/05/2022)

ORDER MADE IN
W.P[MD]No.10178 of 2022

18.05.2022

_SS/26.05.2022 : 2P/5C