



W.P(MD)No.21508 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

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... Petitioner

VS.

1.The Revenue Divisional Officer,
Musiri,
Trichy District.

2.The Assistant Director of Mines and Minerals,
Trichy District,
Trichy.

3.The Tahsildar,
Thottiyam Taluk Office,
Trichy District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the third respondent to release the petitioner's Ashok Leyland Lorry bearing Registration No.TN-29-AY-2940, seized on 10.05.2019 and keeping under the custody of the third respondent to consider his representation dated 26.07.2022.



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For Petitioner : Mr.K.Arunraj
For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

The present writ petition has been filed for issuance of a Writ of Mandamus, directing the third respondent to release the petitioner's Ashok Leyland Lorry bearing Registration No.TN-29-AY-2940, seized on 10.05.2019 and is kept under the custody of the third respondent, by considering his representation dated 26.07.2022.

2. The case of the petitioner is that on 09.05.2019, when the petitioner's vehicle namely, Ashok Leyland Lorry bearing Registration No.TN-29-AY-2940, was running near Appananallur area, the Village Administrative Officer of Kolakkudi intercepted his vehicle and seized the same on an allegation that the vehicle was carrying illegal river sand without any valid permit. On a complaint of the Village Administrative Officer, Kolakkudi, a case was registered on 10.05.2019 in Crime No. 111/2019 under Sections 379, 353 and 307 of IPC read with Section 21(1)



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of the Mines & Minerals (Development & Regulation) Act, 1957, on the file of the third respondent police station. Hence, the writ petition.

3. In similar circumstances, a Division Bench of this Court in E.Kavitha vs. The Revenue Divisional Officer, Thanjavur District and two others (W.P(MD)No.12520 of 2021, dated 26.07.2021), has passed the following order:-

"The petitioner, who is claiming to be the owner of the vehicle, seeks release of the same by filing the writ petition in pursuant to her representation made on 09.07.2021.

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 First Information Report has been registered, the offence involved would include Sections 379 of the Indian Penal Code and 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957. 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 her 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



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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 view of the abovesaid order, the petitioner is directed to file appropriate petition before the jurisdictional designated Court within a period of two weeks from the date of receipt of a copy of this order. On such filing of the petition, the jurisdictional Court is directed to dispose of the same within a period of two weeks thereafter.

5. With the above direction, the Writ Petition is disposed of. No costs.

[R.M.D.,J.] & [J.S.N.P.,J.]
09.09.2022

Index : Yes / No
Internet : Yes
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To

1.The Revenue Divisional Officer,
Musiri,
Trichy District.

2.The Assistant Director of Mines and Minerals,
Trichy District,
Trichy.

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3.The Tahsildar,
Thottiyam Taluk Office,
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R.MAHADEVAN,J.
and
J.SATHYA NARAYANA PRASAD,J.

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ORDER MADE IN
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DATED : 09.09.2022