



W.P No. 18677 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**WP No. 18677 of 2025 AND
WMP NO. 20911 OF 2025**

Thirupathi
S/o.Chinnasamy,No.5/94,Panaikul
am Village,A.Paparapatti
Post,Pennagaram
Taluk,Dharmapuri District.

... Petitioner

Vs

1. The Sub Collector
Dharmapuri,Dharmapuri District.

2.The Tahsildar,
Pennagaram, Dharmapuri District.

... Respondent

PRAYER

Writ Petition under Article 226 of the Constitution of India for a Writ of Certiorified Mandamus calling for the records pertaining to the proceedings of the 1st respondent in Ni.Mu.No.5727/2022/A4 dated 06.10.2022 and to quash the same as illegal,incompetent and ultra vires and consequently direct the Respondents to return his seized articles i.e.,soil things in S.No.432/4 quantity of 1.765 c.m (cube mere) quantity of 2-375 c.m., and 50000 bricks.

For Petitioner : Mr.J. Pradeep

For Respondents: Mr.E.Vijay Anand
Additional Government Pleader



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ORDER

This writ petition has been filed challenging the impugned proceedings dated 06.10.2022 and for a consequential direction to the respondents to return the seized bricks.

2. Heard Mr.J.Pradeep learned counsel for the petitioner and Mr.E.Vijay Anand, learned Additional Government Pleader for the respondents.

3. The petitioner's father has been engaged in brick manufacturing. An inspection was made by the officials from the Mines Department and they seized red sand and bricks, which were illegally quarried from site. FIR came to be registered in Crime No.79 of 2022 in this regard. The petitioner submitted a representation dated 14.08.2022 seeking for release of the seized materials. The first respondent, through proceedings dated 06.10.2022 rejected the representation on the ground that the first respondent does not have the power or jurisdiction to release the seized materials. Aggrieved by the same, the present writ petition has been filed before this Court.

4. In the considered view of this Court, the minerals / equipments / vehicles which are seized by the officers can be released only after appropriate



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directions are issued by the Court. In the case on hand, admittedly, there is a criminal case pending and if at all the petitioner is seeking for the release of the seized materials, an application must be filed before the concerned Court and the first respondent cannot independently deal with such a request and order for the release of the seized materials. The first respondent will be parallelly dealing with the issue, which ought to be dealt with only by a Court. Hence, this Court does not find any illegality in the order passed by the first respondent and it does not warrant the interference of this Court.

5. It is left open to the writ petitioner to move the appropriate Court and seek for the release of the materials and the same will be considered on its own merits and in accordance with law. This writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

04-06-2025

KST

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No



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N.ANAND VENKATESH, J.

KST

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2. The Tahsildar,
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