



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2021

CORAM:

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MRS. JUSTICE S.ANANTHI**

W.P. (MD)No.3644 of 2021
(Through Video Conferencing)

Sashim @ Jaseem Shahubic : Petitioner
Vs.

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

2.The Assistant Director,
Mines and Mineral department
Ramanathapuram District.

3.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus directing the respondents herein to release the Tractor & Tractor bearing registration No.TN 65 M 5544, seized by the 3rd respondent on 16.02.2021, to the petitioner forthwith based on the petitioner's representation dated 19.02.2021.

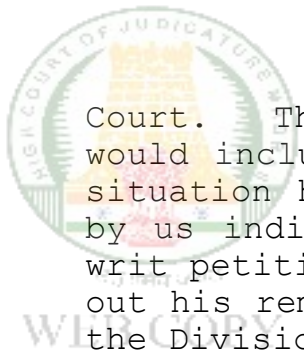
For Petitioner : Mr.D.Rameshkumar
For Respondents : Mr.R.Murugaraj
Government Advocate

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

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 the his representation made on 19.02.2021.

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 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. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gk

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 Revenue Divisional Officer,
Ramanathapuram District,
Ramanathapuram.

2.The Assistant Director,
Mines and Mineral department
Ramanathapuram District.

3.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.

+1 CC to M/s.SPL GP (SR-10530[F] dated 11/03/2021)

+1 CC to M/s.D.RAMESH KUMAR, Advocate (SR-10750[F] dated 12/03/2021)

W.P. (MD)No.3644 of 2021

Dated: 10.03.2021

SSS(CO)

KK(26.03.2021) 2P 6C

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