

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

WP(C).No. 19344 of 2015 (P)

PETITIONER:

PENNAMMA KURIAN, AGED 70 YEARS,
W/O. KURIAN, MUNDATHANATHU VEEDU,
AREEKKARA KARA, MEENACHIL THALUK, VELIYANNOOR VILLAGE,
KOTTAYAM DISTRICT - 686 634.

BY ADVS.SRI.T.A.UNNIKRISHNAN
SRI.K.S.PRAVEEN

RESPONDENTS:

1. THE DEPUTY COMMISSIONER OF EXCISE,
KOTTAYAM - 686 001.
2. THE EXCISE RANGE INSPECTOR,
KURAVILANGADU, KOTTAYAM - 686 633.

R BY SRI. K.C. VINCENT, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 19344 of 2015 (P)

: 2 :

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF THE REGISTRATION CERTIFICATE.
EXT.P2 : TRUE COPY OF THE CRIME AND OCCURRENCE IN CRIME
NO. 29/2015 PREPARED BY THE 2ND RESPONDENT.
EXT.P2(a) : TRUE ENGLISH TRANSLATION OF EXHIBIT P2.
EXT.P3 : TRUE COPY OF THE REQUEST SUBMITTED BY THE
RESPONDENT DATED 22.06.2015.
EXT.P3(a) : TRUE ENGLISH TRANSLATION OF EXT.P3.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 19344 of 2015 (P)

Dated this the 29th day of June, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner, a registered owner of a Maruthi Swift Diesel Car bearing registration No. KL 35 E 2950, had his car seized on 18.06.2015 by the second respondent on the allegation that it had been used for transporting 49 litres of toddy illegally. When the petitioner's request for the custody of the vehicle has not been acceded to by the first respondent, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner has submitted that pending further proceedings concerning the offence in which the motor car has been seized, the petitioner is willing to furnish a bank guarantee for the value to be determined by

a competent person for the release of the vehicle.

4. The learned Government Pleader, on his part, has submitted that the respondents do not have any objection for the release of the vehicle, provided the petitioner submits the bank guarantee for the value of the car, which is yet to be assessed, apart from executing an undertaking to the effect that the petitioner will not alienate the motor vehicle, and that he will produce the vehicle as and when required.

5. In the facts and circumstances, having regard to the respective submissions of the learned Counsel for the petitioner and the learned Government Pleader, this Court disposes of the writ petition with a direction to the respondents to have the market value of the car determined by the Assistant Motor Vehicle Inspector of the area concerned and release the same after obtaining the necessary bank guarantee for the vehicle's worth, apart from the petitioner's fulfilling all other statutory criteria, such as submitting an undertaking not to alienate the vehicle.

Needless to observe that the respondent authorities may expedite the process and complete the entire exercise of releasing the vehicle, as expeditiously as possible, at any rate, within two weeks from the date of receipt of a copy of this judgment, excluding the delay, if any, to be caused by the petitioner in producing the bank guarantee.

sd/- DAMA SESHADRI NAIDU, JUDGE.

rv

