

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.1482 of 2014
and
M.P.No.1 of 2015

Ramalingam

... Petitioner

Vs.

1. The Election Commissioner,
Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Arumbakkam,
Chennai-600 106.
2. The District Collector,
Cuddalore District,
Cuddalore.
3. The Sub Treasury Officer,
Sub-Treasury,
Cuddalore.
4. The Inspector of Police,
Nellikuppam Police Station,
Cuddalore District.

... Respondents

The writ petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 12.9.2013.

For Petitioner : Mr.S.Prabakar
for Mr.A.Arasu Ganesan

For Respondents : Mr.R.Sathish Kumar
for Mr.B.Neduncheziyan for R-1
Mr.R.Ravichandran for RR2 to 4

ORDER

Heard the learned counsels, appearing on behalf of the parties concerned.

2. This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner, dated 12.09.2013.

3. The petitioner has stated that a criminal case had been registered against the petitioner and his driver, K.Kuppusami, under Sections 188, 171H I.P.C., read with Section 109 I.P.C., alleging that, during the assembly election, for Panruti Constituency, on 7.4.2011, the Deputy Block Development Officer, Annagram and certain other officials had intercepted the vehicle, bearing registration No.TN 01 X 5478, belonging to the petitioner, at Anna Nagar, Nellikuppam, Cuddalore District and had forcibly taken away a sum of Rs.2,76,400/-. The said amount was being carried in the vehicle concerned, for the purchase of the fertilizers and pesticides, for being used in the agricultural lands belonging to the petitioner. The said amount had been deposited with the third respondent. Thereafter, the vehicle had been produced before the Court of the Judicial Magistrate-I, Cuddalore, by the fourth respondent Police, after registering a case, in Crime No.153/11.

4. It has been further stated that the case registered against the petitioner had ended in acquittal, on 7.5.2012. However, the amount of Rs.2,76,400/-, seized from the vehicle belonging to the petitioner, had not been returned to him, till date. Hence, the petitioner has preferred the present writ petition before this Court, under Article 226 of the Constitution of India.

5. The learned counsel, appearing on behalf of the respondents 2 to 4 had submitted that the petitioner ought to have moved the court concerned for the return of the amount, under the relevant provisions of the Criminal Procedure Code.

6. The learned counsel, appearing on behalf of the first respondent, had submitted that it is for the petitioner to make an appropriate representation, for the return of the amount, before the Election Commissioner, Election Commission of India, New Delhi. He had stated that the first respondent does not have any power or authority to consider the request of the petitioner.

7. In view of the submissions made by the learned counsels appearing on behalf of the respondents, this court is not inclined to issue a Writ of Mandamus, to direct the respondents to consider the representation of the petitioner, dated 12.9.2013, as prayed for by the petitioner, in the present writ petition. Hence, the writ petition stands dismissed. However, it goes without saying that it would be open to the petitioner to move the appropriate forum or authority, for the return of the amount seized from him, if so advised, in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vvk

To

1. The Election Commissioner,
Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
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Chennai-600 106.
2. The District Collector,
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Cuddalore.
3. The Sub Treasury Officer,
Sub-Treasury,
Cuddalore.
4. The Inspector of Police,
Nellikuppam Police Station,
Cuddalore District.

+1cc to Mr.A.Arasu Ganesan, Advocate, S.R.No.38119 (01.12.2016)

W.P.No.1482 of 2014

MSM(CO)
CA(22/07/2016)