



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 10.06.2016

CORAM

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P(MD)No.4550 OF 2013

S.Muniasamy

..Petitioner

.vs.

1.The District Collector,
Trichy District,
Trichy.

2.The Superintendent of Police,
Trichy.

3.The Revenue Divisional Officer,
Trichy.

4.The Commissioner of Income Tax-1,
No.44, Williams Road,
Cantonment,
Trichy.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents herein to return the amount of Rs.2 Crores and 40 Lakhs to the petitioner, which was seized by the third respondent on 17.03.2011 and pass further orders as this Court may deem fit.

For Petitioner :Mr.S.Veeranasamy

For Respondents :Mr.S.Kumar,
Addl.Govt.Pleader for R1 to R3.

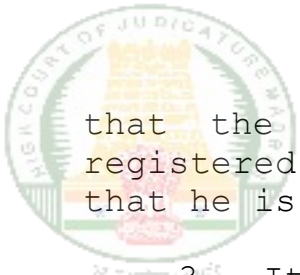
:Mr.R.Krishnamoorthy for R4.

ORDER

The petitioner has filed this Writ Petition for a Writ of Mandamus to direct the respondents herein to return the amount of Rs.2 Crores and 40 Lakhs to the petitioner, which was seized by the third respondent on 17.03.2011.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The learned Counsel appearing for the petitioner submits



that the petitioner is a Wholesale trader and his firm is registered with Commercial Tax Department. He further submits that he is an Income-Tax assessee.

3. It is the specific case of the petitioner that on 16.03.2011, he collected a sum of Rs.2 Crores and 40 Lakhs from his customers at Chennai and boarded an Omni bus. According to the petitioner, while the bus reached Trichy Tollgate, the third respondent and his officials stopped the bus for checking. Since, the General Elections for the Tamil Nadu Assembly was on, Code of Conduct was in force and the check up was conducted by the third respondent to ensure observance of Code of Conduct. He further submits that the whole money was seized by the third respondent. However, when the petitioner approached the Additional Chief Election Officer to return the seized amount by various representations, there was no response from the respondents. Aggrieved against the same, the petitioner is before this Court.

4. Though the petitioner has produced before this Court several correspondence suggesting the seizure of the amount, namely, Rs.2 Crores 40 Lakhs from the petitioner and an enquiry conducted by some of the respondents in relation to his claim, it is a specific case of the respondent that there was no such occurrence as claimed by the petitioner. Though an enquiry was conducted and the petitioner was issued notice to appear for enquiry with documents, the petitioner failed to appear and there was no document to support his case of seizure of huge amount of money from the petitioner. The third respondent filed a counter denying the allegations.

5. When the very seizure of the money from the petitioner is in dispute, the petitioner is expected to furnish sufficient particulars as to the manner, in which, the seizure was effected and the statutory documents which are normally expected to be given to the petitioner at the time of seizure. Absolutely, there is no document. It is also to be noted that even in the representation submitted by the petitioner, he has not given any useful information about the official, who, according to the petitioner did the seizure. It is a fact that no such incident was reported officially. Having regard to these circumstances, this Court is not inclined to consider the case of the petitioner. The writ petition is devoid of any merit. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar

/True copy/



To

1.The District Collector, Trichy District, Trichy.

2.The Superintendent of Police, Trichy.

3.The Revenue Divisional Officer, Trichy.

4.The Commissioner of Income Tax-1,
No.44, Williams Road, Cantonment, Trichy.

+1 cc to M/s.R.Krishnamoorthy, Advocate in SR.No.29537

+1 cc to The Special Government Pleader in SR.No. 29759

gsr

CSL/NGM-MP/20.06.2016 : 3p/7c

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