

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36761 OF 2016

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the second respondent in seizing the black jaggery of 196 bags from the premises of the petitioner on 14.09.2016 as illegal and arbitrary, and consequently to direct the second respondent to release the same in favour of the petitioner.

Heard and perused the material.

Learned counsel for the petitioner submits that there is no provision in the Excise Act for return of the property, once seized in the crime, either by the trial Court or by the second respondent and as such, he approaches this Court under Article 226 of the Constitution of India for release of the black jaggery.

Considering the facts and circumstances, this Court directs the second respondent to release the black jaggery alone to the petitioner herein on execution of personal bond for a sum of Rs.1,88,160/- (Rupees one lakh eighty eight thousand one hundred and sixty only) with one surety to the satisfaction of the learned Magistrate concerned. However, this Order does not preclude the authorities concerned from proceeding with the confiscation proceedings.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

31.10.2016
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