

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40913 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 130 bags of black jaggery each bag 50 kgs and 12 bags of alum each bag 50 kgs belonging to the petitioner in crime No.77 of 2016, as illegal and arbitrary, and consequently to direct the second respondent to release the same to 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 and alum.

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.1,50,000/- (Rupees one lakh and fifty thousand 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

25.11.2016
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