

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.35254 of 2017

ORDER:

The petitioner seeks a mandamus declaring the action of the respondents in not releasing the seized stock of 350 bags of white jaggery (each bag containing 30 Kgs) in connection with C.O.R.No.204 of 2017, dated 15.10.2017, as being illegal and arbitrary.

I have heard the submissions of the learned counsel for the petitioner and of the learned Government Pleader representing the respondents. I have perused the material record.

Learned counsel for the petitioner states that the petitioner during the course of the business purchased white jaggery and that while transporting the same the vehicle as well as the stock of jaggery were seized and that subsequently the afore-stated crime has been registered. He now seeks release of the stock of the seized jaggery.

Learned Government Pleader, having submitted that the record of the Department does not disclose as to whether the jaggery is white jaggery or black jaggery, seeks time for ascertaining the same. She would further submit that the petitioner ought to have approached the 2nd respondent for release of the stock instead of approaching this Court. She would also submit that the value of the jaggery seized is Rs.4,20,000/-.

Having considered the submissions of both the sides, the Writ Petition is disposed of with a direction to the 2nd respondent to release the stock of jaggery afore-stated on the petitioner furnishing a Fixed Deposit Receipt for Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) in his favour. It is, however, made clear that the FDR furnished shall be subject to the final orders that may be passed by the authority

concerned in the proceedings after following the procedure established by law.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

16.11.2017
Vjl

