

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.612 of 2019

V.Vijayasankar

... Petitioner

-Vs-

1. The District Revenue Officer,
Salem,
Salem District.
2. The State rep. by,
The Inspector of Police,
Essential Commodities Act Branch, (CSCID)
Salem.

... Respondents

Prayer:

Criminal Original petition is filed under Section 482 of Cr.P.C, to direct the 1st respondent to accept the return of property petitions in Crime No.18 of 2017 on the file of the 2nd respondent to dispose same within time framed manner.

For Petitioner : Mr.K.Sudhakar

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the 1st respondent to entertain the petition filed by the petitioner for return of the vehicle which has been seized by the respondent police on 07.02.2017. An FIR has been registered in Crime No.18 of 2017, pursuant to the seizure for an offence under Sections 6(4) and 7(1)(a)(II) of the Tamil Nadu Scheduled Commodities (RDCS) Order, 1982, Essential Commodities Act, 1955. The petitioner is not an accused in this case and he claims to be the owner of the vehicle.

2. The learned counsel for the petitioner submitted that a petition for return of vehicle can be filed only before the competent authority in view of the bar contained under Section 6-E of the Essential Commodities Act, 1955, wherein, no Court or Tribunal will have the power to release the vehicle. Such power is given only to the competent authority and according to the petition, the 1st respondent is the competent authority who can deal with the petition for release of the vehicle.

3. In view of the above, there shall be a direction to the 1st respondent to entertain the petition filed by the petitioner for release of the vehicle and deal with the same in accordance with law. The 1st respondent shall pass necessary orders within a period of two weeks from the date of receipt of a copy of this order.

4. This Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssr/kal

To

1. The District Revenue Officer,
Salem,
Salem District.
2. The Inspector of Police,
Essential Commodities Act Branch, (CSCID)
Salem.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Sudhakar, Advocate, S.R.No.4441

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KJI(Co)
CS/25/01/2019