



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-09-2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.13902of 2016

Kanagaraj

..
Petitioner

vs.

1. The District Revenue Officer,
Kancheepuram District.
2. The State represented by
The Sub-Inspector of Police,
Koovathur Police Station,
Kancheepuram District.

..Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent herein to dispose of the petitioner's representation dated 22.01.2016 seeking release of the petitioner's vehicle namely TATA ACE bearing Registration No.TN-19-V-1929, which has been seized in Crime No.326 of 2015 on the file of the second respondent for the alleged offences under Essential Commodities Act.

For Petitioner : Mr.K.Thilagaraj

For Respondents : Mr.K.M.D.Muhilan,
Government Advocate.

O R D E R

The relief sought for in the present writ petition is to direct the first respondent to dispose of the representation submitted by the petitioner on 22.01.2016, seeking release of the petitioner's vehicle, namely, TATA ACE bearing Registration No.TN-19-V-1929, which has been seized in Crime No.326 of 2015 on the file of the second respondent for the alleged offences under Essential Commodities Act.

2. The vehicle seized on registration of a criminal complaint, cannot be released by issuing a direction by the High



Court under Article 226 of the Constitution of India.

3. Once a criminal case is registered, the release of vehicle or seizure of the property, is to be done only by following the procedures as contemplated under the Code of Criminal Procedure and not in the writ proceedings under Article 226 of the Constitution of India.

4. For disposal or release of property, which has been involved in a criminal case, must be done only after conducting an enquiry as to whether such seized material/vehicle is required for the criminal trial or otherwise is to be ascertained with reference to the nature of the offences and other relating factors.

5. This being the adjudication to be done and such an adjudication cannot be done in the writ proceedings. Thus, the relief, as such, sought for in the present writ petition, relatable to a criminal case registered in Crime No.326 of 2015, cannot be granted and the petitioner is at liberty to approach the Competent Court of Law for the purpose of redressing his grievances.

6. With the abovesaid observations, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The District Revenue Officer,
Kancheepuram District.
2. The Sub-Inspector of Police,
Koovathur Police Station,
Kancheepuram District.

+1cc to the Government Pleader, S.R.No.48610

W.P No.13902 of 2016

PL(CO)
RGA(05/10/2021)