



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24828 of 2015

Dhanapala Reddy

...Petitioner

Vs

1.The District Collector,
Krishnagiri District-635 115.

2.The District Revenue Officer,
Ramapuram, Krishnagiri District-635 115.

3.The Inspector of Police,
CSCID Food cell Police,
Krishnagiri Unit.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus directing the respondents to release the petitioner's vehicle Maruti Omni bearing its Registration No.KA-05 MG-5660 to the petitioner.

For Petitioner : Mr.M.Balaji

For Respondents : Mr.C.Kathiravan,
Government Advocate

O R D E R

The relief sought for in the writ petition is to direct the respondents to release the vehicle belongs to the petitioner i.e., Maruti Omni bearing Registration No.KA-05 MG-5660.

2. Even as per the affidavit filed by the petitioner in support of the writ petition, the said vehicle was seized by the



Police for the alleged involvement in rice smuggling. A criminal case was registered in F.I.R.No.126/2015 by the Inspector of Police, CSCID Foodcell Police. Once a vehicle involved in the criminal case and a case has already been registered, the release of the vehicle is to be done by following the procedure as contemplated under the code of Criminal Procedure. Disposal of property seized in a criminal case cannot be done in a writ proceedings and an enquiry is required with reference to the allegations set out in the criminal case. The seized vehicle is a material object to be produced during the criminal trial. Thus, the petitioner has to approach the competent Court of law for the purpose of disposal of property by following the procedure as contemplated under the Code of Criminal Procedure.

3. With this observation, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

Sgl

To

- 1.The District Collector,
Krishnagiri District-635 115.
- 2.The District Revenue Officer,
Ramapuram, Krishnagiri District-635 115.
- 3.The Inspector of Police,
CSCID Food cell Police,
Krishnagiri Unit.
- 4.The Government Pleader,
High Court, Madras.

W.P.No.24828 of 2015

AK(CO)
RVM(22/10/2021)