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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No. 2989 of 2016

M.Kanagaraj

... Petitioner

Vs.

1. The District Revenue Officer,
Kancheepuram District.

2. The State Rep by
The Sub-Inspector of Police,
Koovathur Police Station,
Kancheepuram District.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first respondent herein to release petitioner 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, on the basis of the representation dated 22.01.2016.

For Petitioner : Mr.K.Thilagaraj

For Respondents : Mr.C.Kathiravan,
Government Advocate

O R D E R

The relief sought for in the present Writ Petition is to direct the first respondent herein to release 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.



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2. The grievances of the writ petitioner is that the vehicle belonging to the petitioner was seized by the Police authorities. Thus, the petitioner has filed the Writ Petition for release of the vehicle.

3. Release of vehicle cannot be granted in a writ proceedings in a routine manner. The vehicle belonging to the petitioner was seized regarding an alleged involvement in a criminal act and a criminal case was registered admittedly in Crime No.326 of 2015. When a criminal case is registered by the Competent Police Authorities, then the release of property is to be made by following the procedures as contemplated under the Code of Criminal Procedure.

4. The property / materials which are all seized relating to the criminal case are to be produced before the Competent Criminal Court of Law at the time of trial and therefore, in the event of releasing such vehicle involved in a criminal case in a writ proceedings are impermissible. For disposal of the property involved in a criminal case must be done through the procedures contemplated under the Code of Criminal Procedure and therefore, the petitioner is at liberty to approach the competent Court of Law for appropriate relief.

5. Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VI)

// True Copy //

Sub Assistant Registrar

vji / mka

To

1. The District Revenue Officer, Kancheepuram District.

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

+1CC to The Government Pleader, SR.No. 50547

W.P. No. 2989 of 2016

BS(CO)

B.VC (22/10/2021)