

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.09.2021

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.33003 of 2016

K.Venkatachalam

.. Petitioner

Vs

The District Revenue Officer,  
Dharmapuri,  
Dharmapuri District.

.. Respondent

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondent to release the TVS-XL bearing Registration No.TN-29-AP-6160 seized by the Inspector of Police Civil Supplies CID Dharmapuri Dharmapuri District on 10.09.2016 to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.C.Kathiravan  
Government Advocate

O R D E R

The writ on hand is filed to release the petitioner's vehicle viz., TVS-XL bearing Registration No.TN-29-AP-6160 seized by the Inspector of Police, Civil Supplies CID, Dharmapuri, Dharmapuri District on 10.09.2016.

2. Admittedly, the vehicle belongs to the petitioner was seized and a criminal case was registered in FIR No.48 of 2016 on 10.09.2016. Vehicle involved in a criminal case cannot be released by the writ Court by exercising the powers under Article 226 of the Constitution of India. Vehicle involved in the alleged criminal offence is to be dealt with in accordance with the procedures contemplated under the Code of Criminal Procedure.

3. The property / materials are to be disposed of in the manner contemplated under Code of Criminal Procedure and as such, vehicles or materials are required to be submitted for the purpose of conducting criminal trial before the competent Court of law. In the event of releasing by the writ Court,

there is a possibility of conflict in the matter of conducting free and fair trial under the Code of Criminal Procedure.

4. Thus, the relief as such sought for to release the vehicle belongs to the petitioner cannot be granted in a writ proceedings. The petitioner is at liberty to approach the competent criminal Court for disposal of the property in the manner know to law.

5. With this liberty, the writ petition stands disposed of. No Costs.

Sd/-  
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

ars

To

The District Revenue Officer,  
Dharmapuri,  
Dharmapuri District.

+1cc to Mr.C.Prakasam, Advocate SR.No.49629

+1cc to Government Pleader SR.No.49785

WP No.33003 of 2016

RLD(CO)  
GMY(18/10/2021)