



W.P(MD)No.5930 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.5930 of 2023

B.Nagarajan

... Petitioner

Vs.

1.The District Revenue Officer
Dindigul District,
Dindigul.

2.The Inspector of Police
Civil Supplies Crime Investigation Department,
Dindigul District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents 1 and 2 to return his seized vehicle bearing registration No.TN 38 AY 8824 in pursuant to the case registered in Crime No.161 of 2022 on the file of the second respondent and subsequently positive charge sheet came to be filed in C.C.No.1011/2022 on the file of Judicial Magistrate, Dindigul.



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For Petitioner : Mr.V.Vijayendiran

For Respondents : Mr.N.Muthu Vijayan - for R1
Special Government Pleader

Mr.R.M.S.Sethu Raman - for R2
Additional Public Prosecutor

ORDER

The writ petition has been filed in the nature of a Mandamus seeking return of vehicle which had been seized and which badge registration is No.TN 38 AY 8824 consequent to registration of FIR in crime No.161 of 2022 by the second respondent, Inspector of Police, Civil Supplies Crime Investigation Department in Dindigul District. After investigation, a final report had been filed and taken cognizance by the Judicial Magistrate No.III, Dindigul as C.C.No.1011 of 2022. The said calendar case is now listed for appearance of accused on 28.03.2023.

2. The learned counsel for the petitioner states that if proceedings are initiated under Section 6A of the Essential Commodities



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Act, and orders passed under Section 6E then Jurisdiction of any Court is barred. But in the instant case, final report has been filed and specifically, jurisdiction is now vested with Judicial Magistrate No.III, Dindigul.

3. It is however stated by the learned Additional Public Prosecutor that the petitioner is not the owner of the vehicle. The petitioner will have to establish his bonafide only before the said Judicial Magistrate Court and file necessary application and I am confident that on the basis of available records necessary orders would be passed.

4. With the above observation, the writ petition stands disposed of. No costs.

20.03.2023

Index :Yes/No
Internet :Yes/No
NCC : Yes / No
rm



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C.V.KARTHIKEYAN, J.

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