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W.P.No.770 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.770 of 2023

Manimegala @ Manimegalai

... Petitioner

Vs.

1.The District Revenue Officer,
Thiruvannamalai,
Thiruvannamalai District.

2.The Inspector of Police,
Civil Supplies CID,
Thiruvannamalai,
Thiruvannamalai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 1st respondent in her proceedings Na.Ka.J1/49500/2021 dated 25.11.2022 and quash the same and consequently directing the 1st respondent to release the Tata Van bearing Registration No. TN-23-AV-9993 seized by the 2nd Respondent on 07.09.2021 to the petitioner on deposit of Rs.25,000/-.



For Petitioner	: Mr.C.Prakasam
For R1	: Mr.U.Baranidharan Additional Government Pleader
For R2	: Mr.S.Vinoth Kumar Government Advocate (Criminal Side)

ORDER

The order of rejection, rejecting the application submitted by the writ petitioner for release of Lorry is under challenge in the present writ petition.

2. It is not in dispute that the Vehicle bearing registration No. TN 23 AV 9993 involved in a criminal case regarding transporting PDS rice in an illegal manner. The criminal case registered by the Police is under investigation. Therefore, the writ petition cannot be entertained for release of Lorry.

3. The learned Additional Government Pleader appearing on behalf of the 1st respondent would submit that the petitioner is a habitual offender and the details regarding other criminal cases are stated in paragraph 9 which



reads as under:

“9. I state that the petitioner's husband Thiru.Elumalai was involved in Criminal antecedent regarding smuggling of Tamil Nadu Government PDS rice in CSCID, Tiruvannamalai Unit in Following Cases with.

Below vehicles mentioned in Tablura Column:

<i>S.No</i>	<i>Crime Number</i>	<i>Nature of Vehicle seized with Registered Number</i>
<i>1.</i>	<i>123/2020</i>	<i>1. Eicher Vehicle with Reg. No. TN 25 AH 5342. 2. Lorry bearing Reg. No. TN 23 AT 1974</i>
<i>2.</i>	<i>152/2021</i>	<i>1.Tipper Lorry bearing Reg. No. TN 25 AV 9993 2.TATA Ace Vehicle bearing Reg. No. TN 25 F 6432</i>
<i>3.</i>	<i>93/2021</i>	<i>1. Tempo Trax Cruiser Van bearing Reg No. TN 23 M 5891.”</i>

4. Once the property involved in a criminal case has been confiscated by the Police, release of property is to be made by approaching the jurisdictional Criminal Court under the Code of Criminal Procedure. The Writ Court cannot intervene during the pendency of the criminal proceedings and passed an order to release the lorry, since such lorry or property or material or



objects in the criminal case, which all are to be produced for conducting criminal trial in the manner known to law.

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5. Thus, the Writ Court in exercise of the power of judicial review under Article 226 of the Constitution of India must issue a direction to release the lorry, which has been involved in a criminal case for transporting of PDS rice under an illegal manner. Thus, the order passed District Revenue Officer is in consonance with the established principles.

6. Accordingly, the Writ Petition stands dismissed. No costs.

16.04.2024

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



To

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Thiruvannamalai,
Thiruvannamalai District.

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S.M.SUBRAMANIAM, J.

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