



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

WEB COPY

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. No.11669 of 2024

Prakash

... Petitioner

Vs.

1. The District Revenue Officer,
Thiruvallur District,
Thiruvallur.
2. The Inspector of Police,
CSCID, Tiruvallur Police Station,
Thiruvallur District,
(Crime No.174/2023)

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, for issuance of writ of Mandamus, directing the respondents to release the lorry of the petitioner bearing registration No.TN 05 CL 9558 (Dost goods carrier) to the petitioner forthwith based on the representation of the petitioner dated 20.02.2024.

For Petitioner
For R1

: Mr.P.Chandrasekar
: Mr.V.Jeevagiridharan
Additional Government Pleader
: Mr.S.Vinothkumar
Government Government (Crl.side)

For R2



W.P.No.11669 of 2024

ORDER

WEB COPY

The writ of mandamus has been instituted to direct the respondents to release the lorry of the petitioner bearing registration No.TN 05 CL 9558 (Dost goods carrier) to the petitioner based on the his representation dated 20.02.2024.

2. The petitioner states that he owns 'Mini Lorry' for transport purposes. The transport services are the livelihood for the petitioner. It is not in dispute that a criminal case has been registered against the petitioner in FIR.No.174 of 2023 dated 21.08.2023. Since the essential commodities were illegally transported, the lorry along with the goods were confiscated by the Police Authorities. A case was registered under the Essential Commodities Act, 1955.

3. Question arises whether a writ under Article 226 of the Constitution of India, would be entertainable or not?

4. Section 6-C of the Essential Commodities Act, provides an



W.P.No.11669 of 2024

appeal before the District Revenue Officer. Section 6-E contemplates **“Bar of jurisdiction in certain cases-**Whenever any essential commodity is seized in pursuance of an order made under Section 3 in relation thereto, or any package, covering or receptacle in which such essential commodity is found, or any animal, vehicle, vessel or other conveyance used in carrying such essential commodity is seized pending confiscation under Section 6-A, the Collector, or, as the case may be, [the judicial authority appointed under section 6-C] shall have, and, notwithstanding anything to the contrary contained in any other law for the time being in force, [any other Court, Tribunal or authority] shall not have, jurisdiction to make orders with regard to the possession, delivery, disposal, release or distribution of such essential commodity, package, covering, receptacle animal, vehicle, vessel or other conveyance].”

5. That apart, once the goods transported illegally are confiscated by the Police Authorities and a criminal case has been registered, the release of properties is to be made by approaching the competent jurisdictional Criminal Court under the provisions of Code of Criminal Procedure. High Court cannot entertain a writ petition for the purpose of release of lorry, since



W.P.No.11669 of 2024

the lorry and the goods confiscated are the material objects in criminal case, which all are to be produced at the time of trial before the competent court. In the event of release by the High Court in exercise of powers of judicial review under Article 226 of constitution of India, the same would hamper the criminal prosecution by the State. Therefore, such writs filed for release of lorry during the pendency of the criminal case is not maintainable. When the remedial measures are contemplated under the Act and the Code of Criminal Procedure, the parties are expected to approach the Authorities and the jurisdictional criminal court in the manner known to law.

6. Thus, the present writ petition is not entertainable and consequently stands **dismissed** at the admission stage itself. No costs.

29.04.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
veda

To

1. The District Revenue Officer,
Thiruvallur District,
Thiruvallur.



WEB COPY



W.P.No.11669 of 2024

2.

The Inspector of Police,
CSCID, Tiruvallur Police Station,
Thiruvallur District,
(Crime No.174/2023)

S.M.SUBRAMANIAM,J.

veda



WEB COPY



W.P.No.11669 of 2024

W.P. No.11669 of 2024

29.04.2024