
(2023) 07 KL CK 0145
In the High Court Of Kerala
Case No : Writ Petition (Crl) No. 670 Of 2023

Aji S

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 19-07-2023

Acts Referred:

Citation : (2023) 07 KL CK 0145

Hon'ble Judges : V.G. Arun, J

Bench : Single Bench

Advocate : Francis Assisi, Amrutha P S, Ajeesh S.Brite, Bhadra S.M., Renjith George

Final Decision : Disposed Of

Judgement

V.G. Arun, J

1. The petitioner's vehicle bearing registration No. KL-16-T-234 was seized in Crime No.35 of 2021 of Excise Range Office, Mananthavady. The petitioner is not an accused in the crime and he approached the jurisdictional court seeking interim custody of the vehicle. By Ext.P2 order, the petitioner's application for interim custody was rejected, since the vehicle had been sold on 14.03.2023, in the auction conducted by the Drug Disposal Committee.

2. Learned Counsel for the petitioner contended that the proceedings of the Drug Disposal Committee, up to the auction of his vehicle, was conducted without issuing notice to the petitioner and hence, the order is liable to be set aside and custody of the vehicle handed over to the petitioner.

3. Learned Public Prosecutor submitted that, pursuant to the auction, the vehicle was handed over to the auction purchaser and that person is not a party to this writ petition.

4. Inasmuch as the petitioner's vehicle was sold in auction, his remedy is to challenge the proceedings by which the vehicle was sold. The contention that the

proceedings was conducted behind the petitioner's back and the vehicle sold without putting him on notice can be raised therein.

The writ petition is hence closed, without prejudice to the petitioner's right to challenge the proceedings of the Drug Disposal Committee.