
(2010) 09 KL CK 0378

In the High Court Of Kerala

Case No : Writ Petition (C) No. 28775 of 2010 (V)

Sam Jose

APPELLANT

Vs

Director General of Police, Deputy Excise Commissioner,
Circle Inspector of Police and V.V. George Kutty

RESPONDENT

Date of Decision : 22-09-2010

Acts Referred:

Citation : (2010) 09 KL CK 0378

Hon'ble Judges : M.C. Hari Rani, J;K.M. Joseph, J

Bench : Division Bench

Advocate : G. Sudheer, for the Appellant; No Appearance, for the Respondent

Judgement

K.M. Joseph, J.—The petitioner has approached this Court seeking the following reliefs.

(i) issue a writ of mandamus to 3rd respondent not to harass petitioner.

(ii) direct the 3rd respondent or his subordinated not to take the vehicle bearing Engine No. G4 HD4D24329 and chasis No. MALAA51HR4M446886 before a final decision in WP(C) 15493/2010 pending before this Honourable Court.

2. Briefly put, the case of the petitioner is as follows:

3. The petitioner purchased a car in an auction conducted by the Deputy Excise Commissioner (the second respondent). The said vehicle was confiscated for transporting spirit. Sale was confirmed vide Ext.P2 order. Though the 4th respondent had not filed any statutory appeal or revision against the confiscation order, the police officer (the 3rd respondent) is taking steps to seize the vehicle and threatening the petitioner that he will also be implicated in a theft case. The 3rd respondent demands surrendering of the vehicle before him.

4. The learned Additional Director General of Police would submit that the 4th respondent has filed a writ petition as W.P.C. No. 15493/2010 wherein his case is that he is the owner of the vehicle and it is also submitted that a direction has

been given in the said writ petition to seize the vehicle and to produce the same before the Judicial First Class Magistrate Court, Changanassery. He submits that it is only in pursuance of the said direction by this Court that the 3rd respondent is acting in the matter.

5. We record the submission and we leave it open to the petitioner to work out his remedies available in law, as advised.