

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 25TH FEBRUARY 2010 / 6TH PHALGUNA 1931

WP(C).No. 6195 of 2010(Y)

PETITIONER(S):

RADHA M, D/O. KUNJAPPU NAIR
H.NO.IV/740,KINNANUR KARITHALAM,
MOOLACHERI HOUSE, KALICHANADUKKAM PO
KINNANUR, PARAPPA VIA, KASARAGOD DISTRICT.

BY ADV. SMT.T.SUDHAMANI

RESPONDENT(S):

-
1. THE STATE OF KERALA
REPRESENTED BY SECRETARY, EXCISE DEPARTMENT
THIRUVANANTHAPURAM.
 2. THE ASSISTANT EXCISE COMMISSIONER
KASARGOD, KASARAGOD DISTRICT.

MS.K.R.DEEPA, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25/02/2010, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ANTONY DOMINIC, J.

W.P.(C.) No.6195 of 2010 (Y)

Dated, this the 25th day of February, 2010

J U D G M E N T

The petitioner submits that she is the registered owner of an autorikshaw bearing registration No.KL-60 A 1885. It is stated that on 29/01/2010, the vehicle was intercepted by the Police and on search, 4.370 litres of Indian Made Foreign Liquor was seized. Crime has been registered, and proceedings have been initiated by the 2nd respondent under Section 67 of the Abkari Act. While so, the petitioner submitted Ext.P2 representation before the 2nd respondent requesting for interim custody of the vehicle. Complaint is that orders have not been passed on Ext.P2 and that in the meanwhile, the vehicle is being ruined by exposing it to sun and rain.

2. If the petitioner is the registered owner of the autorikshaw, and she has sought release of the vehicle expressing her willingness to comply with the conditions to be imposed, there is no reason why the vehicle shall not be released.

3. Therefore, I dispose of the writ petition directing that the 2nd respondent shall get the value of the vehicle assessed and if the petitioner is willing to furnish security in satisfaction of the value assessed and on furnishing the same, the vehicle shall be released on an interim basis.

The petitioner shall produce a copy of this judgment, along with a copy of this writ petition before the 2nd respondent for compliance.

This writ petition is disposed of as above.

(ANTONY DOMINIC, JUDGE)

jg