

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.31287 of 2014

&

M.P.No.1 of 2014

H.Prabhappa

... Petitioner

Vs.

The Additional Superintendent of Police
Prohibition Enforcement Wing
Krishnagiri District

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari calling for the records relating with the proceedings passed by the respondent in Na.Ka.En.624/KOO.KAA.KA/MA.VI.A/P1/K1/K1/2014 dated 19.11.2014 and quash the same as illegal.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.S.Diwakar
Special Government Pleader

सत्यमेव जयते
O R D E R

Heard Mr.M.P.Saravanan, learned counsel for the petitioner and Mr.S.Diwakar, learned Special Government Pleader appearing for the respondent.

2. The petitioner has field this writ petition challenging the confiscation proceedings initiated by the respondent in respect of a Honda Santro Car bearing Registration No.KA-05-Z-6111. The said car was seized by the respondent police on the ground that it was carrying beer bottles from the State of Karnataka and according to the respondent the quantity carried is a trade quantity.

3. From the files produced by the learned Special Government Pleader it is seen that though initially the petitioner had not participated in the proceedings, subsequently they have received notices and approached the Judicial Magistrate Court and the car in question has been released subject to certain conditions. Now the petitioner has sent a legal notice dated to the respondent disputing the value of the car at Rs.85,000/-. The contention raised by the petitioner is that the car is of a 2008 Model and the value is only Rs.58,000/- and the valuation fixed by the respondent at Rs.85,000/- is on the higher side.

4. In the light of the above, liberty is given to the petitioner to submit a representation to the respondent requesting for re-determining the value of the Car for which purpose the petitioner is directed to produce appropriate proof to show the prevailing market value of such cars of the same year model. On production of proof along with the copy of this order, the respondent shall consider the same and pass orders on merits and in accordance with law within a period of three weeks from the date on which the representation is made.

The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gpa

To

The Additional Superintendent of Police
Prohibition Enforcement Wing
Krishnagiri District.

+1cc to Mr.M.P.Saravanan, Advocate, S.R.No.37673
+1cc to the Government Pleader, S.R.No.37990

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TM(CO)
CA(23/07/2016)