

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.14164 of 2016

R. Ravichandran

.. Petitioner

v.

1 The Additional Superintendent of Police
Prohibition of Enforcement Wing
Krishnagiri

2 The Sub Inspector of Police
Prohibition Enforcement Wing Police Station
Krishnagiri

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to return the vehicle belonging to the petitioner namely the BMW car bearing No. PY-01-BJ-9000 within a reasonable time.

For Petitioner : Mr.A.E.Ravi Chandran

For Respondent : Mr.M.S.Ramesh
Addl. Govt. Pleader (Taxes)

ORDER

The petitioner has filed the above writ petition to issue a Writ of Mandamus, directing the first respondent to return the vehicle belonging to him namely the BMW car bearing No. PY-01-BJ-9000.

2. It is the case of the petitioner that he is the owner of the said car and the vehicle was intercepted and seized by the second respondent police on 06.03.2016. Thereafter, First Information Report was registered in Crime No.320 of 2016 for an alleged offence under section 4(1)(a) of the Tamil Nadu Prohibition Act. Thereafter, the petitioner made a representation dated 5.4.2016 to the first respondent to return the car. However, the first respondent has not considered the request of the petitioner so far.

3. Mr.M.S.Ramesh, learned Additional Government Pleader (Taxes), appearing for the respondents submitted that the first respondent had issued a show cause notice dated 25.4.2016, however the same could not be served on the petitioner for want of correct address. However, on a perusal of the R.C. Book and the address mentioned in the writ petition it is clear that the first respondent had mentioned the address of the petitioner wrongly. The learned Additional Government Pleader submitted that the respondent had valued the vehicle at Rs.16,03,000/-

4. Though the vehicle was seized on 6.3.2016, the vehicle is lying with the first respondent for nearly two months without any purpose.

5. The learned counsel appearing for the petitioner submitted that since the car is parked in the open space, ultimately, the car will be damaged and the petitioner would be put to monetary loss. Further, the learned counsel appearing for the petitioner submitted that the petitioner willing to give security for a sum of Rs.16,03,000/- and on giving such security, the respondent may be directed to release the vehicle.

6. In view of the submissions made by the learned counsel on either side, I am of the view that on giving security for a sum of Rs.16,03,000/-, the first respondent may be directed to release the vehicle. Accordingly, I direct the petitioner to give bank guarantee for a sum of Rs.16,03,000/- and on giving the bank guarantee to the satisfaction of the first respondent, the first respondent is directed to release the vehicle bearing Registration No. PY-01-BJ-9000 to the petitioner with usual terms and conditions. It is open to the respondents to proceed with the confiscation proceedings in accordance with law.

With these observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Rj

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

- 1 The Additional Superintendent of Police
Prohibition of Enforcement Wing
Krishnagiri
 - 2 The Sub Inspector of Police
Prohibition Enforcement Wing Police Station
Krishnagiri
- + 1 cc to Mr.Anand Venkatesh, Advocate SR 27046

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