

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

W.P.No.33715 of 2015
and
M.P.Nos.1 and 2 of 2015

C. Ramachandran

... Petitioner

Vs

The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Superintendent Office,
Villupuram,
Villupuram District

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorari calling for the Order dated 16.06.2015 in Na.Ka.No.61/2014, followed by the Order dated 21.08.2015 in Na.Ka.No.61/2014 passed by the respondent and quash the same.

For petitioner : Mr.S. Saravanan

For respondent : Mr.M.S. Ramesh
Additional Government Pleader

ORDER

The petitioner has filed the above writ petition to issue a Writ of Certiorari to call for the Order dated 16.06.2015 in Na.Ka.No.61/2014, followed by the Order dated 21.08.2015 in Na.Ka.No.61/2014 passed by the respondent and quash the same.

2. It is the case of the petitioner that his vehicle Scorpio Car, bearing Registration No.TN32 L5140 was intercepted by the Kallakurichi Prohibition Enforcement Wing Unit and the vehicle was searched by the officials. During the search, 60

litres of arrack was found in a lorry tyre tube in the Mahindra Scorpio Vehicle. A case was registered against Kandan @ Kandasamy and others. The vehicle was also seized by the Enforcement Wing.

3. Thereafter, by Order dated 16.6.2015, the vehicle was confiscated. Subsequently, by Order dated 21.08.2015, the petitioner was called upon to pay a sum of Rs.1,70,000/- towards the value of the vehicle and it was also made clear that on failure to make the payment, the vehicle will be sold in public auction.

4. Mr.S. Saravanan, learned counsel for the petitioner submitted that though the petitioner had submitted his written submissions before the respondent, he was not given an opportunity of personal hearing before passing the impugned order dated 16.6.2015.

5. Mr.M.S. Ramesh, learned Additional Government Pleader, appearing for the respondent, submitted that the respondent may be directed to give an opportunity of personal hearing to the petitioner and decide the matter afresh.

6. Since the petitioner was not given an opportunity of personal hearing, as contemplated under proviso to Sec.14 of The Tamil Nadu Prohibition Act, 1937, the impugned order dated 16.6.2015 is liable to be set aside and accordingly the same is set aside. The respondent is directed to give an opportunity of personal hearing to the petitioner and decide the matter afresh, on merits and in accordance with law, within a period of four weeks from the date of receipt of copy of this order.

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

Sd/-
सत्यमेव जयते

Assistant Registrar(CCC)

//True Copy//

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Sub Assistant Registrar

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To

The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Superintendent Office,
Villupuram,
Villupuram District

+1cc to Mr.S. Saravanan, Advocate, S.R.No.10410

W.P.No.33715 of 2015

EV(CO)
CA(25/02/2016)



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