

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

W.P.No.8984 of 2017 and CrI.O.P.No.5794 of 2017

and

W.M.P.No.9895 of 2017

M.Kothandaraman

S/o.Murugesan ..Petitioner in both W.P & CrI.O.P

Vs.

1.The Additional Superintendent of Police,
Prohibition Enforcement Wing (Incharge),
Headquarters,
Thiruvallur District.

2.The Sub-Inspector of Police,
B-3, Kadambathur Police Station,
Thiruvallur District. .. Respondents in W.P.No.8984/17

State Rep. By
Inspector of Police,
Kadambathur Police Station,
Thiruvallur District. .. Respondent in CrI.O.P.No.5794/17

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order of the 1st respondent in his proceeding in NA.KA.No.M/Con/23/KU.KAA.KA/MA.VE.HA.PE/THIRUVALLUR dated 23.03.2017 and quash the same and directing the 2nd respondent herein to return the two wheeler "Yamaha FZ" bearing Registration No.TN 20 BA 6305 pursuant to the order passed in CrI.M.P.No.734 of 2017 dated 15.02.2017 on the file of learned Judicial Magistrate II, Thiruvallur Court.

Criminal Original Petition filed under Section 482 of the

Criminal Procedure Code praying to direct the respondent to comply the order dated 15.02.2017 in C.M.P.No.734 of 2017 on the file of Judicial Magistrate, Thiruvallur.

For Petitioner : Mr.K.Thenrajan
(in both petitions)

For Respondents : Mr.P.Chinnadurai,
(in both petitions) Government Advocate

COMMON ORDER

W.P.No.8984 of 2017 has been filed seeking quash of proceedings of first respondent in NA.KA.No.M/Con/23/KU.KAA.KA/MA.VE.HA.PE/THIRUVALLUR dated 23.03.2017 and to direct the second respondent herein to return the two wheeler "Yamaha FZ" bearing Registration No.TN 20 BA 6305 in keeping with the order passed by learned Judicial Magistrate II, Thiruvallur, in Crl.M.P.No.734 of 2017 dated 15.02.2017.

2. Criminal Original Petition has been filed seeking a direction to respondent to comply with the order passed by learned Judicial Magistrate, Thiruvallur, in Crl.M.P.No.734 of 2017 on 15.02.2017.

3. It is the case of petitioner that he is the owner of two wheeler 'Yamaha FZ 16' bearing registration No.TN-20-BA-6305, which was seized in connection with the case in Crime No.77 of 2017 on the file of the Sub-Inspector of Police, B-3, Kadambathur Police Station, Thiruvallur District. Petitioner moved Crl.M.P.No.734 of 2017 on the file of learned Judicial Magistrate II, Thiruvallur, seeking return of vehicle. Court below, under orders dated 15.02.2017, directed return of vehicle to petitioner subject to certain conditions. However, the Additional Superintendent of Police, Prohibition Enforcement Wing (Incharge), Headquarters, Thiruvallur District, has passed an order dated 23.03.2017 confiscating the said vehicle. Hence, the petitioner has moved the present petitions.

4. Heard learned counsel for petitioner and learned Government Advocate.

5. The remedy against an order passed under Section 14(4) of the Tamil Nadu Prohibition Act lies elsewhere. Hence, both the Writ Petition as well as the Criminal Original Petition is dismissed. No costs. Connected miscellaneous petition is closed.

Registry is directed to return the original impugned order to learned counsel for petitioner after retaining a copy thereof.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm

To

1.The Judicial Magistrate II,
Thiruvallur.

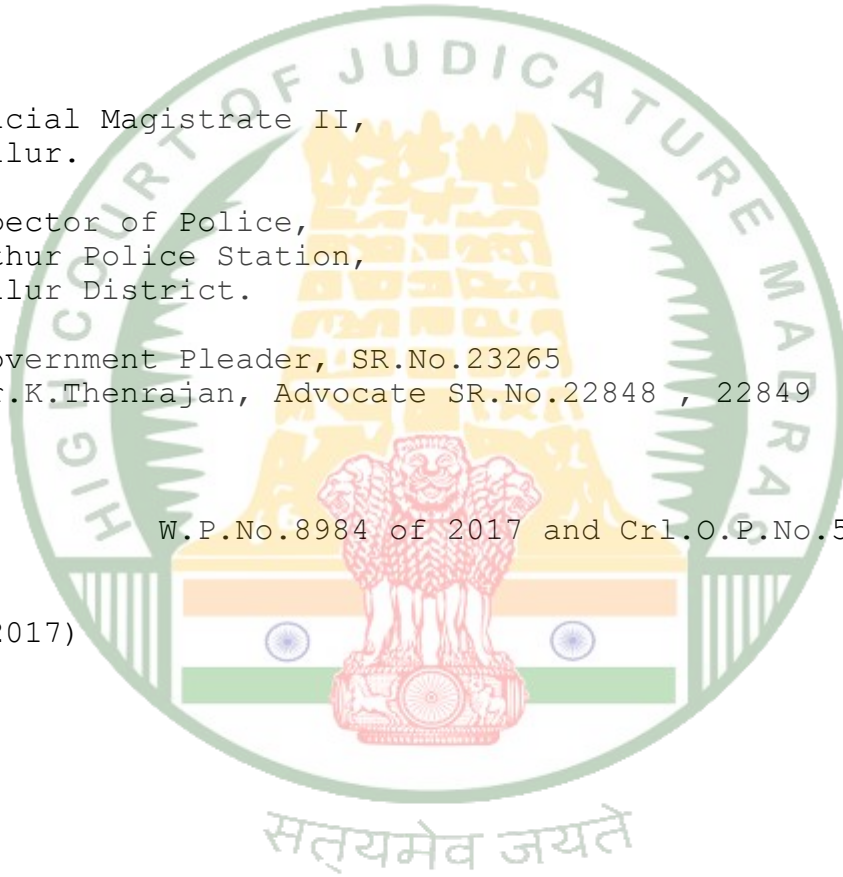
2.The Inspector of Police,
Kadambathur Police Station,
Thiruvallur District.

+1cc to Government Pleader, SR.No.23265

+2cc to Mr.K.Thenrajan, Advocate SR.No.22848 , 22849

W.P.No.8984 of 2017 and Crl.O.P.No.5794 of 2017

LRS (CO)
GN(19/04/2017)



WEB COPY