

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2017

CORAM

THE HONOURABLE MR.JUSTICE RAVICHANDRABAABU

W.P.No.2204 of 2017
and
W.M.P.Nos.2179 & 2180 of 2017

P.Muthuraman

... Petitioner

Vs

1.The District Prohibition Officer cum
Addl. Superintendent of Police
Prohibition Enforcement Wing
Villupuram, Villupuram District.

2.The Inspector of Police
Prohibition Enforcement Wing
Kottakuppam Police Station
Marakkanam
Villupuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records from the 1st respondent herein relating to his proceedings Na.Ka.No.381/Confiscation/ADSP/VPM/16 dated 05.11.2016 and quash the same and further direct the respondents herein to return the Scorpio car bearing Registration No.TN-65-D-5077 to the petitioner.

For Petitioner : Mr.V.Venkatasamy

For Respondents : Mr.C.Jagdish
Special Government Pleader

O R D E R

The petitioner is aggrieved against the order of confiscation of his car bearing Registration No. TN-65-D-5077, on the reason that the same indulged in illicit transporting of liquor.

2. Admittedly as against the said order, the petitioner is having Appellate remedy before the Court of Sessions having Jurisdiction as provided under Section 14(5) of the Tamil Nadu Prohibition Act, 1937. Further it is stated before this Court,

that the petitioner has not filed such appeal, as the impugned order was not served on him. It is further stated that he came to know about such confiscation order, only when he moved a petition for release of the vehicle before the learned Judicial Magistrate, Vanur.

3. Heard both sides.

4. The petitioner is aggrieved against the order passed by the first respondent confiscating the car belonging to him. As he has to approach the concerned Jurisdictional Sessions Court and file an appeal under Section 14(5) of the above said Act, this Court is not inclined to entertain this writ petition.

5. Considering the fact that the petitioner was not issued with the impugned order copy, I am of the view that he must be given an opportunity to file such appeal. Accordingly, this writ petition is disposed of, by granting liberty to the petitioner to file an appeal before the concerned Appellate Forum as stated supra within a period of three weeks from the date of receipt of a copy of this order. If any appeal is filed, the same shall be considered and decided on its own merits and in accordance with law, without reference to the question of limitation. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Prohibition Officer cum
Addl. Superintendent of Police
Prohibition Enforcement Wing
Villupuram, Villupuram District.

2. The Inspector of Police
Prohibition Enforcement Wing
Kottakuppam Police Station
Marakkanam
Villupuram District.

+1cc to Mr.V.Venkatasamy, Advocate SR.No.22900

W.P.No.2204 of 2017

AK(CO)
GN(21/04/2017)