



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.05.2017

CORAM:

THE HONOURABLE Mr.JUSTICE **M.V.MURALIDARAN**

W.P. (MD) No.9444 of 2017

Mohan

...Petitioner

Vs.

1. The Superintendent of Police,
Prohibition and Exercise Wing,
Chennai.

2. The Additional Superintendent of Police,
Prohibition and Exercise Wing,
Trichy.

3. The Inspector of Police,
Mannachanallur Police Station,
Trichy District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to release the interim custody of the petitioner's vehicle namely Toyota Innova bearing registration No. TN-48-W-7989 pending confiscation proceeding of the 2nd respondent in ந.க.எண் .38/கடகாக/மவிஅப/திருச்சி17 dated 15.04.2017.

For petitioner : M/S.A.Balaji

For Respondents : Mr.A.Muthukaruppan

Additional Government Pleader

O R D E R

The petitioner has come forward with this Petition praying to direct the 2nd respondent to release the interim custody of the petitioner's vehicle namely Toyota Innova bearing registration No. TN-48-W-7989 pending confiscation proceeding of the 2nd respondent in ந.க.எண் .38/கடகாக/மவிஅப/திருச்சி17 dated 15.04.2017.

2. It is the case of the petitioner that 3rd respondent seized the vehicle on allegation that the petitioner was having the illegal possession of spirit quantified at 70 liters. According to the petitioner, so far, no proceeding was initiated against the petitioner under the Act.



3. The learned counsel for the respondents who took notice and contended that in similar matter, this Court has released the vehicle in question with stringent conditions and the same conditions may also be imposed in this case also.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

5. In view of above, I am inclined to direct the concerned respondents to release the vehicle in question to the petitioner on the following conditions:-

(i) The petitioner shall produce documents before the first respondent to establish the ownership of the vehicle in question;

(ii) The petitioner shall deposit a sum of Rs. 50,000/- (Rupees Fifty Thousand only) with the first respondent;

(iii) The petitioner shall give an undertaking that he will not use the vehicle for any illegal activities in future and shall produce the same as and when required by the first respondent; and

(iv) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned.

6. In the result, the Writ Petition is ordered accordingly. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Prohibition and Exercise Wing,
Chennai.
2. The Additional Superintendent of Police,
Prohibition and Exercise Wing,
Trichy.
3. The Inspector of Police,
Mannachanallur Police Station,
Trichy District.

+1cc to M/S.A.BALAJI, Advocate SR.No. 57167

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