



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.[MD].No.16845 of 2018
and W.M.P.(MD)No.14872 of 2018

Murugesan

: Petitioner

Vs.

1.The Additional Superintendent of Police,
Prohibition and Enforcement Wing,
Madurai District, Madurai.

2.The Inspector of Police,
Prohibition and Enforcement Wing,
S.P.Office Complex, Surveyor Colony,
Madurai-625 007.

3.The Sub Inspector of Police,
Alanganallur Police Station,
Madurai District.

: Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein not to initiate any confiscation proceedings with regard to Auto bearing Registration No.TN 58-R 3416 PIAGGIO MAKE till the disposal of the case in Cr.M.P.No.1395 of 2018 on the file of the learned Judicial Magistrate, Vadipatti in Crime No.147 of 2018 on the file of the third respondent.

For Petitioner

: Mr.J.Lawrance

For Respondents

: Mr.M.Rajarajan

Government Advocate

ORDER

The present Writ Petition has been filed for a direction to the respondents not to initiate any confiscation proceedings with regard to Auto, which belongs to the petitioner till the disposal of the case in Crl.M.P.No.1395 of 2018, before the Judicial Magistrate, Vadipatti.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the Auto. The said Auto was rented by the petitioner to one Pandi, who had used it for transporting illegal arrack. The Auto was seized and a case was also registered in Crime No.147 of 2018 for the alleged offence under Section 4 (1) (aa) of Tamil Nadu Prohibition Act.



3.The petitioner as the owner of the Auto, filed a petition in CrI.M.P.No.1395 of 2018 before the concerned Magistrate Court for returning of the Auto. The learned Magistrate by an order dated 12.06.2018, directed the third respondent to produce the Auto to the Court custody immediately. The learned counsel appearing for the petitioner would submit that without complying with the said order, the respondents are attempting to proceed further with confiscation proceedings.

4.Per contra, the learned Government Advocate appearing for the respondents would submit that the third respondent Police has handed over the Auto to the Court custody, vide R.B.R.No.145 of 2018 on 30.07.2018. Therefore, the petitioner can work out his remedies before the concerned Magistrate Court for return of the property.

5.In view of the fact that the Auto belonging to the petitioner has already been handed over to the custody of the Court, the petitioner can work out his remedies before the concerned Judicial Magistrate for getting back the property.

6.With the above directions, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (cs-2)

To

1.The Additional Superintendent of Police,
Prohibition and Enforcement Wing,
Madurai District, Madurai.

2.The Inspector of Police,
Prohibition and Enforcement Wing,
S.P.Office Complex,
Surveyor Colony,
Madurai-625 007.

3.The Sub Inspector of Police,
Alanganallur Police Station,
Madurai District.

+1CC to Mr.J.Lawrance Advocate in sr.no.77860.

+1CC to Special Government Pleader in SR.No.77927.

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