



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2019

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.[MD]No.13242 of 2019

and

W.M.P.[MD]No.9870 of 2019

Sri Balamalai Murugan Transport
Represented by its Partner / Authorised Signatory,
T.Ponnusamy,
S/o. Thangavel,
No.2/370 A, SBM Complex,
Natchimuthu Nagar,
K.Paramathi,
Aravakurichi,
Karur District.

... Petitioner

Vs.

1.The Superintendent of Police,
Karur District,
Karur.

2.The Deputy Superintendent of Police,
Kulithalai Circle,
Kulithalai,
Karur District.

3.The Inspector of Police,
Chinthamanipatti Police Station,
Kadavur Taluk,
Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to release the vehicle bearing registration No.TN 47 AR 5617 seized in connection with Crime No.73 of 2019 on the file of the third respondent and hand over the said vehicle to the petitioner within the time period stipulated by this Court.

For Petitioner : Mr.V.Sukumar

For Respondents : Mrs.J.Padmavathy Devi
Special Government Pleader

O R D E R

The petitioner seeks a Mandamus directing the respondents to release the vehicle bearing No.TN 47 AR 5617 (in short, 'vehicle' / 'vehicle in question'), seized in connection with Crime No.73 of 2019 on the file of the Inspector of Police, Chinthamanipatti Police Station, Kadavur Taluk, Karur District.



2. According to the petitioner, the vehicle, the vehicle in question is being run by him for legitimate business purposes as a goods carrier, with necessary permits obtained. The offence alleged is that the vehicle was seized on 20.05.2019, since it was carrying liquor bottles. It is in the custody of the third respondent till date. Admittedly, the vehicle was being driven by one Viswanathan, who is a driver in the Transport Company. An FIR has been registered in which the petitioner is not arrayed as accused.

3. Mrs. J. Padmavathy, learned Special Government Pleader appearing for the respondents also confirms the position that till date, no order of confiscation of the vehicle in question has been passed.

4. In the light of the aforesaid and also in the light of the admitted position that the respondents have no means or measures available at their disposal to safeguard the vehicle, the vehicle shall be released forthwith.

5. This order will not stand in the way of proceedings, in accordance with law, being initiated by the respondents for consideration of the vehicle. Such proceedings, if initiated, shall see the fullest co-operation of the petitioner including by way of production of the vehicle, as and when required.

5. This Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Superintendent of Police,
Karur District,
Karur.

2. The Deputy Superintendent of Police,
Kulithalai Circle,
Kulithalai,

<https://hcservices.ecourts.gov.in/hcservices/>
Karur District.



3.The Inspector of Police,
Chinthamanipatti Police Station,
Kadavur Taluk,
Karur District.

+1cc to Mr.V.SUKUMAR, Advocate, SR.No. 68789

+1cc to M/s.Special Government Pleader,SR.No. 68840

W.P.[MD]No.13242 of 2019

13.06.2019

MR

KK/SAR/20.06.2019/3P-6C