



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P.(MD)No.4768 of 2019

Ramesh

... Petitioner

-Vs-

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

2.The Sub-Inspector of Police,
Poovanthi Police Station,
Poovanthi, Sivagangai District.

3.The Sub-Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to release the petitioner's vehicle Auto-rickshaw bearing Registration No.TN63-L-0022 seized by the 3rd respondent on 15.12.2018, on the basis of the petitioner's representation dated 26.02.2019.

For Petitioner : Mr.K.Anbarasan

For Respondents: Mr.K.Mu.Muthu

Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The writ petitioner is owning a Auto-rickshaw. The mentioned vehicle was seized on 15.12.2018, in connection with Crime No.164 of 2018, registered on the file of the second respondent.

3.It is not in dispute that even though the case was registered under the Provision of Tamil Nadu Prohibition Act, till date no order of confiscation has been made by the second respondent and no purpose will be served in keeping the vehicle in open space. Therefore, the second respondent is directed to release the petitioner's vehicle subject to the following conditions:-

- a) The petitioner shall execute an affidavit of undertaking that he shall not involve in any offence in future that may lead to the seizure of the vehicle in question. The petitioner shall not alienate or encumber the vehicle in question till the proceedings are completed.



b) The petitioner shall produce all the documents pertaining to the ownership of the seized vehicle.

c) This order for release of the vehicle can be pressed into service by the petitioner only if the vehicle is not in the custody of the criminal Court. If the vehicle is in the custody of concerned Criminal Court of appropriate jurisdiction, then, option is given to the petitioner to approach the concerned Judicial Magistrate to get release of the vehicle, by filing necessary application in the manner known to law.

d) As and when the respondents call for the vehicle for enquiry, the petitioner has to produce the vehicle in question and he shall cooperate with the enquiry to be conducted by the respondents.

4. The writ petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar (CO)

/ True Copy /

Sub Assistant Registrar (CS)

To:

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

2. The Sub-Inspector of Police,
Poovanthi Police Station,
Poovanthi, Sivagangai District.

3. The Sub-Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.

+1 CC to M/s. SPL GP (SR-53282[F] dated 12/03/2019)

+1 CC to M/s. D. RAMESHKUMAR, Advocate (SR-53591[F] dated 13/03/2019)

W.P. (MD) No. 4768 of 2019

11.03.2019

IAS

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