



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2019

CORAM

THE HON'BLE Mr.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.25515 of 2018

and

W.M.P. (MD) .Nos.23110 & 23111 of 2018

Ashok Kumar

... Petitioner

-vs-

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

2.The Inspector of Police,
PEW Police Station, Ramanathapuram.
(Crime No.1069 of 2018)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of CERTIORARIFIED MANDAMUS, calling for the records of the impugned proceedings of the first respondent in Na.Ka.No.36-1/Confiscation/ADSP/RPM/18 dated 19.11.2018, quash the same and consequently directing the respondents to release the vehicle bearing Registration No: PY 02 N 8359.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondents : Mr.M.Karuppasamy
Government Advocate

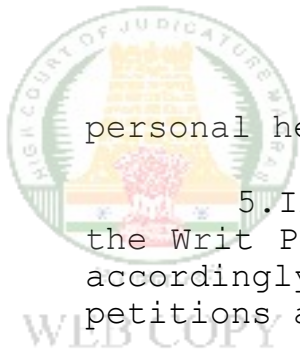
O R D E R

Heard the learned counsel on either side.

2. By consent of both parties, the main Writ Petition is taken up for final disposal.

3.The writ petitioner is the owner of the petition mentioned bus. The bus got involved for the offences under Sections 4(1-A) and 14 A of the Tamil Nadu Prohibition Act, 1937. Hence, Crime No.1069 of 2018 was registered by the second respondent. The first respondent after issuing notice to the petitioner, passed the impugned order dated 19.11.2018 confiscating the petition mentioned bus. The said confiscation order is before me.

4.The learned counsel appearing for the writ petitioner as per Section 14(4) of the Tamil Nadu Prohibition Act, 1937, a reasonable opportunity of hearing in the matter is contemplated. In this case, the first respondent did not afford any



personal hearing to the petitioner.

5. In view of the procedure violated, the order impugned in the Writ Petition stands quashed. The Writ Petition stands allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar (CS)

To

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

2. The Inspector of Police,
PEW Police Station, Ramanathapuram.

+1cc to Mr. RM. Arun Swaminathan, Advocate, SR.No. 64826

+1cc to M/s. Special Government Pleader, SR.No. 65175

W.P. (MD) No. 25515 of 2018

30.04.2019

tsg

KK/SAR/15.05.2019/ 2P- 5C