

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 20.06.2019

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THE HONOURABLE DR.JUSTICE ANITA SUMANTH**W.P(MD)No.7323 of 2013**
and M.P.(MD)Nos.2 and 3 of 2013

Muthu @ Chinnadurai

... Petitioner

Vs.The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Tuticorin District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of writ of certiorari calling for records pursuant to the order passed by the respondent in Na.Ka.No.1/Confiscation/Ku.Ka.K/ Ma.V/Tuti/13 dated 17.04.2013 quash the same.

For Petitioner : Mr.M.Subash Babu
For Respondents : Mr.S.Angappan
Government Advocate

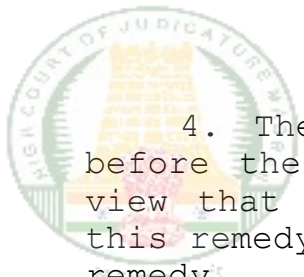
ORDER

This writ petition has been filed for issuance of writ of Certiorari to quash the proceedings in Na.Ka.No.1/Confiscation/Ku.Ka.K/ Ma.V/Tuti/13 dated 17.04.2013 passed by the respondent.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing on behalf of the respondent.

3.At the outset, an objection was raised to the respondent to the maintainability of the writ petition citing the provisions of Section 14(5) of the Tamilnadu Prohibition Act, which read as follows:

'Any person aggrieved by an order of confiscation under sub section (4) may, within one month from the date of the receipt of such order, appeal to the court of session having jurisdiction'.



4. The order of confiscation is thus liable to be appealed before the Court of Sessions having jurisdiction and I am of the view that no justification has been pleaded or argued to by pass this remedy. The petitioner is thus permitted avail of the statutory remedy.

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5. The provision requires an appeal to be filed within a period of 30 days from the date of receipt of the order. In the present case, the impugned order was passed on 17.04.2013 and this writ petition has been filed on 25.04.2013 i.e well within the time of 30 days. This Court has granted an order of interim stay of all further proceedings pursuant to the impugned order vide its order dated 29.04.2013.

6. In the light of the aforesaid, the petitioner is directed to file an appeal in terms of Section 14(5) of Tamilnadu Prohibition Act within a period of two weeks from today. Such appeal, if filed within the timeline as stipulated aforesaid, shall be received by the Registry of the Court of Sessions without reference to limitation and listed for hearing as per roster and in due course for disposal in accordance with law.

7. This writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

/ True Copy /

Sub Assistant Registrar(CS-)

CM
To,

The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Tuticorin District.

+1 CC to M/s.M.SUBASH BABU, Advocate
(SR-70611[F] dated 21/06/2019)

+1 CC to M/s.SPL GP (SR-70982[F] dated 24/06/2019)

W.P(MD)No.7323 of 2013
and M.P. (MD)Nos. 2 and 3 of 2013
20.06.2019