

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 7095 of 2009

Manimaran
S/o.Rajagopal
Thambikottai Village
Keelakadu
Thiruthuraipoondi Taluk
Thiruvarur District.

... Petitioner

-vs-

1. The Superintendent of Police
O/o. the Superintendent of Police
Tiruvarur District
Tiruvarur.
2. The Additional Superintendent of Police
Prohibition
O/o. The Superintendent of Police
Tiruvarur District
Tiruvarur.
3. The Inspector of Police
Kottur Police Station
Tiruvarur District.
4. V.Sakthivel
5. Maruthambal

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the sale by auction in proceedings of abstract of the Mahindra Tractor bearing registration No. TN49-8938 dated 30.07.2008 on the file of the First and Second Respondents based on the recommendation made by the Third Respondent and quash the same and further direct the Respondents to return the Mahindra Tractor bearing registration No. TN49-8938 without any damage or depreciation to the vehicle as it is seized on 23.06.2008 and to pay compensation to the Petitioner.

For Petitioner : Mr. D.Veerasekaran

For Respondents: Mr. N.Inbanathan
Additional Government Pleader

Mr. D.Sathyanarayanan (For R3)

O R D E R

(through video conference)

Learned Counsel for the Petitioner submits that in view of the statement made in the Counter-Affidavit filed by the Third Respondent that the Tractor, which had been confiscated, has already been auctioned on 30.07.2008 during the pendency of the application for return of property in Crl. M.P. No. 3452 of 2008 before the Judicial Magistrate - II, Mannargudi, the Petitioner may be permitted to withdraw the Writ Petition with liberty to file necessary application before that Criminal Court to compensate the Petitioner by paying the amount realized out of the auction sale of the Tractor by the police authorities with interest thereon. He has filed a memo dated 02.11.2020 to that effect through e-mail, which is placed on record. Though obvious, it is made clear that no opinion has been expressed by this Court on the correctness or otherwise on the merits of the controversy involved in the matter.

2. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

To

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1. The Superintendent of Police,
O/o. the Superintendent of Police,
Tiruvavur District,
Tiruvavur.

2. The Additional Superintendent of Police,
Prohibition,
O/o. The Superintendent of Police,
Tiruvavarur District,
Tiruvavarur.

3. The Inspector of Police
Kottur Police Station
Tiruvavarur District.

4. The Judicial Magistrate - II,
Mannargudi.

+1cc to Mr.D.Veerasekara, Advocate Sr.35525
+1cc to the Government Pleader Sr.35448

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srg 11/11/2020



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