

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2020

CORAM :

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P.No.14411 of 2020

Manju

...Petitioner

Vs

1. The Additional Superintendent of Police,  
Kancheepuram,  
Kancheepuram District.

2. The Inspector of Police,  
G-5 Chunambedu Police Station,  
Chengalpet District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 03.08.2020 and to release the petitioner's two wheeler bearing Registration No.19 T 7301 Hero Honda Splendor which was seized by the 2nd respondent on 08.07.2020.

For Petitioner : Mr.P.Surendran.

For Respondents: Mrs.M.Prabhavathi,  
Additional Public Prosecutor.  
for R1, R2

O R D E R

The matter was heard through "Video Conference".

2.This Writ Petition has been filed for issuance of Writ of Mandamus, directing the first respondent to release her vehicle bearing Registration No.19 T 7301 Hero Honda Splendor by considering her representation dated 03.08.2020.

3.Heard Mr.P.Surendran, learned Counsel appearing for the petitioner and Mrs.M.Prabhavathi, learned Additional Public Prosecutor appearing for the respondents.

4.The case of the petitioner is that she is the owner of the two wheeler bearing Registration No.19 T 7301. During the time of investigation in the case registered in Crime No.1335 of 2020 for the offence under Section 4 (1)(a)(Transporting) TNP Act,

the second respondent recovered the said vehicle and thereafter, forwarded the same to the authorised officer for the purpose of confiscation.

5. With respect to the same, the learned Counsel for the petitioner would submit that without considering the representation of the petitioner dated 03.08.2020, the first respondent police proceeded the confiscation proceedings which amounts to violation of natural justice.

6. On considering the above, it is true that the petitioner, being the owner of the confiscated vehicle, she must be informed before passing the confiscation order. In this regard, the learned Additional Public Prosecutor fairly conceded that so far the representation of the petitioner dated 03.08.2020 has not been considered by the first respondent. Accordingly, the prayer sought for in the present petition deserves to be allowed.

7. Hence, the first respondent police is directed to consider the representation of the petitioner dated 03.08.2020 in accordance with law within a period of two weeks from the date of receipt of copy of this order.

8. With these observations, this Writ Petition is disposed of.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Additional Superintendent of Police,  
Kancheepuram,  
Kancheepuram District.

2. The Inspector of Police,  
G-5 Chunambedu Police Station,  
Chengalpet District.

+1cc to Mr.P.Anbazhagan, Advocate in SR.NO..33733

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SRA (CO)  
RV(10/11/2020)