

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2020

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.15100 of 2020

Kalimuthu

..Petitioner

Vs

The State rep. by
The Inspector of Police Prohibition
Enforcement Wing,
Gobi Police Station, Erode District.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus, to direct the respondent to release the petitioner's vehicle Chevrolet Enjoy Car bearing registration No. TN-39-BK-7045 based on the petitioner's representation dated 01.09.2020 with in a stipulated time may be fixed by the Court.

For Petitioner : Mr.M.N.Kathir
For Respondent : Mr.S.Thangavel, Special
Govt. Pleader

O R D E R

When the matter was called in the forenoon, there was no appearance for the petitioner and hence the matter was directed to be listed on 07.12.2020 under the caption 'for dismissal'. On mentioning, this matter is taken up again and on consent of both parties, is finally disposed. Order passed in the forenoon stands recalled.

2. Heard Mr.M.N.Kathir, learned counsel for the petitioner and Mr.S.Thangavel, learned Special Government Pleader for the respondent.

3. The petitioner seeks a mandamus directing the respondent/State represented by Inspector of Police to release the petitioner's vehicle Chevrolet Enjoy car bearing registration No.TN-39-BK-7045 based on the request made by the petitioner on 01.09.2020.

4. When the matter came up on 28.10.2020, the following order was passed:

'Mr.S.Thangavel, learned Special Government Pleader accepts notice for the respondent and seeks some time to obtain instructions and file a counter.

2. The petitioner has made a representation on 01.09.2020 to the Assistant Superintendent of Police requesting the return of Chevrolet Enjoy car bearing registration No.TN-39-BK-7045 that was seized on 07.05.2020.

3. Since the Additional Superintendent is not arrayed as a respondent, the petitioner is permitted to file a representation afresh before the respondent arrayed in this writ petition that is the Inspector of Police, Prohibition Enforcement Wing and such representation if filed within a period of one week from today shall be disposed after hearing the petitioner before the next date of hearing.

4. List this matter on 01.12.2020.

5. Today, Mr.Thangavel would submit that the petitioner had filed a representation as directed that has come to be rejected on 07.11.2020. He would also point out that an order of confiscation of the vehicle was passed on 23.10.2020 and has been served by affixture on 24.10.2020. Learned counsel for the petitioner would however deny that any order of confiscation has been served on the petitioner thus far. This is recorded. In the interests of substantial justice, let a copy of the order of confiscation be served now upon the petitioner in the manner provided under law.

6. The purpose of this Writ Petition stands partly achieved by disposal of the request of the petitioner by order of the respondent dated 07.11.2020. The release of the vehicle as sought for cannot be granted in the light of the request of the petitioner having been rejected by the authorities. The petitioner is however at liberty to challenge order dated 07.11.2020 in accordance with law.

7. This Writ Petition is disposed in the aforesaid terms. No costs.

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Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Inspector of Police Prohibition
Enforcement Wing,
Gobi Police Station, Erode District.

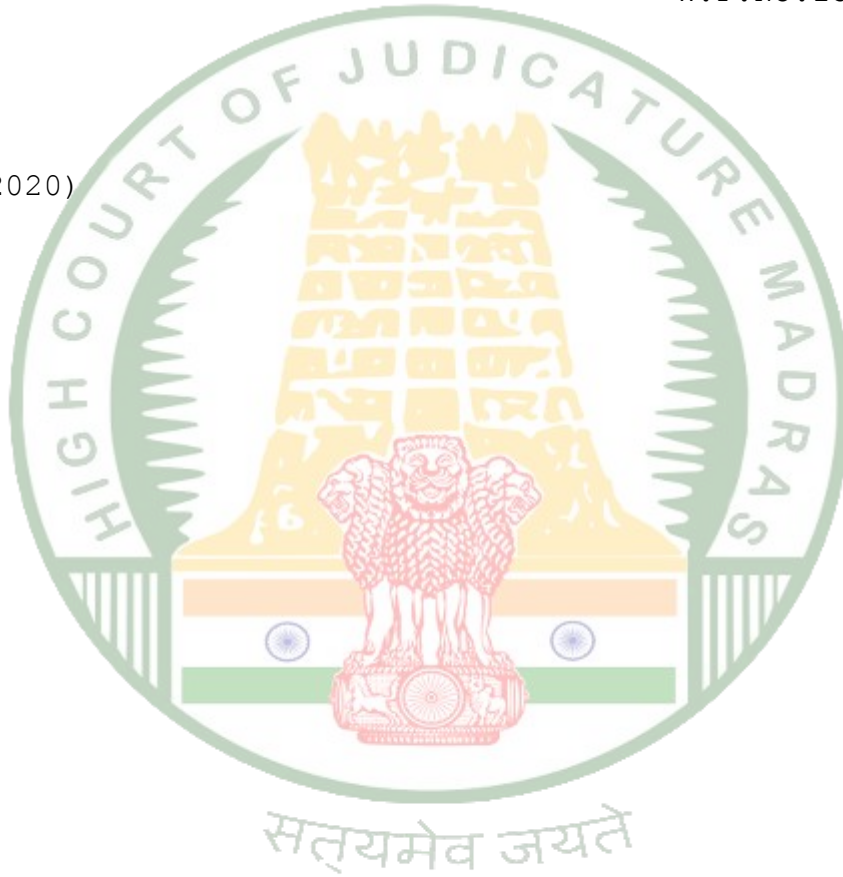
+1cc to M/s.G.Pavendhan, Advocate, S.R.No.38521

+1cc to the Government Pleader, S.R.No.38658

W.P.No.15100 of 2020

RP (CO)

RV (31/12/2020)



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