



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2020

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WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.6831 of 2020

A.Ramakrishnan

... Petitioner

Vs.

1.The Superintendent of Police,
Dindigul District,
Collectorate,
Dindigul-624001.

2.The Additional Superintendent of Police,
(Headquarters), (in-charge)
Special Wing for Crime against Women and Children
Dindigul District,
Collectorate,
Dindigul-624001.

3.The Inspector of Police,
Sempatti Police Station,
Sempatti,
Athoor Taluk,
Dindigul District-624 708.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to consider the petitioner explanation dated 05.03.2020 submitted against the show cause notice dated 11.02.2020 issued by the second respondent in accordance with the law and based on the peculiar circumstances of this case and pass order to return the seized motor cycle in the Crime No.381 of 2019 on the file of the third respondent Police Station.

For Petitioner	: Mr.K.K.Samy
For Respondents	: Mr.Aayiram K.Selvakumar Additional Government Pleader

* * *

O R D E R

Heard the learned counsel on either side.



2. The petitioner is the owner of the petition mentioned vehicle. It was involved in a case arising out of the Tamil Nadu Prohibition Act, 1937. Till date, no confiscation order has been passed under Section 14(4) of the said Act.

3. The learned Government Advocate states that in this regard, a criminal case was also registered against the petitioner. But till date, the vehicle has not been produced before the jurisdictional Court. The case is still under investigation.

4. I am of the view that so long as the vehicle has not been produced before the Jurisdictional Court, the Writ Court will very much have the jurisdiction to order release of the vehicle.

5. Since it is only a two wheeler, the second and third respondents are directed to release the petition mentioned vehicle to the petitioner without any delay. The petitioner gives an undertaking that he will not alienate the vehicle and that he will produce the vehicle as and when required and cooperate with the enquiry that may be conducted by the respondents.

6. Recording the undertaking given by the petitioner, this Writ Petition is allowed. It is always open to the second and the third respondents to proceed in accordance with law. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

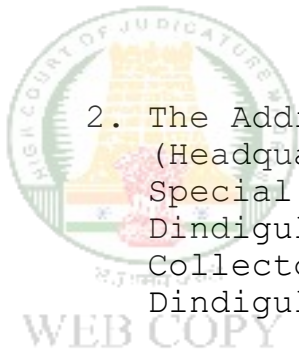
Sub Assistant Registrar(CS)

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2. In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To :

1. The Superintendent of Police,
Dindigul District,
Collectorate,
Dindigul-624001.



2. The Additional Superintendent of Police,
(Headquarters), (in-charge)
Special Wing for Crime against Women and Children
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