



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD)No.8639 of 2020

R.Gopinath

... Petitioner

Vs.

1.The Additional Superintendent of Police,
(Prohibition Enforcement Wing),
Ramanathapuram District,
Ramanathapuram.

2.The Inspector of Police,
Thangatchimadam Police Station,
Thangatchimadam,
Ramanathapuram District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the petitioner's Car Chevrolet Tavera NE03LS P10AA bearing Registration No.TN 37 CC 9688, Engine No.3AN163803 Chasis No.MA6ABCA5DDH000553, seized by the second respondent police by consider the petitioner's representation dated 21.07.2020 within a time stipulated by this Court.

For Petitioner	:	Mr.T.Veerakumar
For Respondents	:	Mr.M.Rajarajan Government Advocate

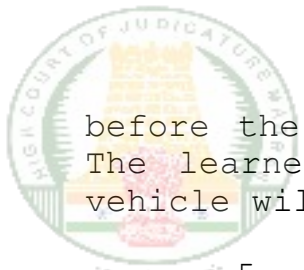
O R D E R

Heard the learned counsel on either side. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks return of the petition mentioned vehicle. It is involved in Crime No.133 of 2020 registered on the file of the second respondent under Tamilnadu Prohibition Act. 94 Brandy Bottles said to have been recovered from the petition mentioned Car.

3.Though First Information Report has been registered, the Vehicle is yet to be produced before the jurisdictional Magistrate. The confiscation proceedings are yet to be initiated.

4.The petitioner's counsel gives an undertaking that the petitioner will see to it that the vehicle is not involved in any other offences of similar nature. The vehicle will be produced



before the authority or the Court concerned as and when required. The learned counsel appearing for the petitioner states that the vehicle will not be alienated.

5. The submission of the learned counsel for the petitioner is placed on record. If the undertaking given before this Court is breached, the benefit of this order will stand recalled and the vehicle in question will be taken back to custody and it will be released only after getting orders from this Court on such terms as this Court may deem it fit to impose.

6. I am of the view that keeping the petition mentioned vehicle in the custody of the respondents is not going to serve any purpose. I make it clear that I had granted only interim custody to the petitioner herein. The power of the Authorities to initiate confiscation proceedings are left open. The respondents are directed to hand over the petition mentioned vehicle forthwith without any delay. If this undertaking given by the petitioner is breached, the petitioner will not be entitled to interim release of the vehicle in future. The Writ Petition is allowed accordingly. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : 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 Additional Superintendent of Police,
(Prohibition Enforcement Wing),
Ramanathapuram District,Ramanathapuram.
- 2.The Inspector of Police,
Thangatchimadam Police Station,
Thangatchimadam,Ramanathapuram District.

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