



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.9347 of 2020 and

WMP (MD) No.8498 of 2020

Seran

...Petitioner

Vs

1.The Additional District Superintendent of Police,
Prohibition Enforcement Wing,
Sivagangai District -630562

2.The Inspector of Police,
Alakappapuram Police Station,
Karaikudi Taluk,
Sivagangai District.
(Crime No.42 of 2020)

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned proceedings of the 1st respondent in Na.Ka.No.20/Ku.Kaa.Ka/Ma.Vi.Vaa/Siva/2020, dated 29.07.2020, and quash the same and consequently directing the respondents to release the petitioner's vehicle bearing Registration No.TN 63 BW 3705 from the custody of the respondents within a stipulated time.

For Petitioner : Mr.R.Senthil KUMar

For Respondents : Mr.M.Rajarajan
Additional Government Pleader

O R D E R

Heard the learned counsel on either side.

2.The petitioner challenges the impugned confiscation order primarily on the ground that he was not put on notice before it was passed. It is seen from the impugned order that the confiscation has been straightaway passed. It is true that as against the confiscation order, the petitioner has statutory remedy. But in view of the violation of the principles of natural justice, the same is quashed. The matter is remanded to the file of the first respondent. The respondents are directed to return the two wheeler to the petitioner immediately and without any delay. The direction to return the vehicle will no way have any



impact on the confiscation proceedings. The first respondent is directed to issue a fresh notice, hear the petitioner and pass orders afresh.

3. With this liberty to the first respondent, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

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 District Superintendent of Police,
Prohibition Enforcement Wing,
Sivagangai District -630562
2. The Inspector of Police,
Alakappapuram Police Station,
Karaikudi Taluk,
Sivagangai District.

W.P. (MD) No.9347 of 2020 and
WMP (MD) No.8498 of 2020
17.08.2020

al(CO)

TR(18.08.2020) 2P 3C