



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2021

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.14515 of 2021

P.Jayakumar

...Petitioner

Versus

1. The Superintendent of Police,
Prohibition Enforcement Wing,
Erode, Erode District.

2. The Inspector of Police,
Kodumudi Police Station,
Kodumudi, Erode District.
Crime No.189/2021.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to release the petitioner's vehicle Maruti Suzuki Ertica Car, bearing Registration Tamil Nadu 47 AB 6977, seized by the 2nd respondent Police, based on the representation of the petitioner dated 28.06.2021.

For Petitioner : Mr.P.Kannan Kumar

For Respondents: Mr.A.Damodaran,
Government Advocate (Crl. Side)

ORDER

This Writ Petition is filed to direct the 2nd respondent to release the petitioner's vehicle viz., Maruti Suzuki Ertica Car bearing Registration No.TN47 AB 6977 based on the representation dated 28.06.2021.

2.The learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle viz., Maruti Suzuki Ertica Car bearing Registration No.TN 47 AB 6977.One Karthikeyan requested the said vehicle from the petitioner for medical treatment for his relative. Believing the same, the vehicle was handed over to Karthikeyan and later, the petitioner came to know that Karthikeyan had transported liquor bottles illegally, which was seized by the 2nd respondent Police on 22.06.2021. Due to which, a case in Crime No.189 of 2021 was registered for offence under Section 4(1)(a) of the Tamil Nadu Prohibition Act on the same day. The learned counsel further submitted that the



vehicle is kept in open yard and whenever the petitioner approached the 2nd respondent seeking return of vehicle, the 2nd respondent informed that the vehicle would be produced before the Court. On enquiry, it came to know that the 2nd respondent failed to produce the vehicle before the Court so far, hence, petitioner unable to get back his vehicle. On 28.06.2021, the petitioner sent a representation to the 2nd respondent seeking interim custody of the vehicle with undertaking that he would keep the vehicle in safe custody till the disposal of the Crime No.189 of 2021, but it was not considered. Admittedly, the petitioner is not an accused in this case.

3.The learned Government Advocate (Crl. Side) appearing on behalf of the respondents submitted that in this case, the confiscation proceedings was initiated by the 1st respondent on the petitioner's vehicle. He further submitted that the vehicle was valued, valuation report received on 15.07.2021. A notice in Na.Ka.No.388/2021, dated 15.07.2021 already sent to the petitioner to appear for enquiry. Hence, the petitioner to be enquired with regard to other particulars of the vehicle.

4.On considering the rival submissions, it is seen that already confiscation proceedings initiated on the petitioner's vehicle and notice served to the petitioner for enquiry. On receipt of the same, the petitioner had sent a reply.

5.From the submissions of the learned Government Advocate (Crl. Side), it could be seen that the petitioner's vehicle was valued and the valuation report received. After examination of the petitioner and the Investigating Officer, the confiscation proceedings would be completed.

6.Considering that the vehicle is kept in the open yard exposing to vagaries of weather, this Court directs the 1st respondent to conclude the confiscation proceedings on the petitioner's vehicle within a period of one month from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Prohibition Enforcement Wing,
Erode,
Erode District.

2. The Inspector of Police,
Kodumudi Police Station,
Kodumudi,
Erode District.

3. The Public Prosecutor,
High Court, Madras.

W.P.No.14515 of 2021

PCH(CO)
RGA(31/08/2021)