



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **23.04.2021**

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.4852 of 2021

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Senthil Murugan

... Petitioner

Vs.

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

2.The Inspector of Police,
Kamuthi - PEW Police Station,
Kamuthi,
Ramanathapuram District.

... Respondents

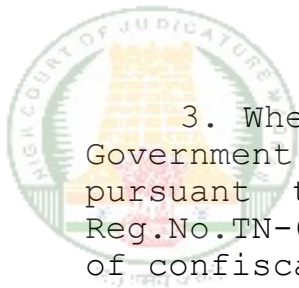
PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents forthwith to release the petitioner's vehicle bearing Registration No.TN-65-AW-5335, TATA ACE, which was seized by the 2nd respondent in connection with case in Crime No.419/2019 by considering the petitioner's representation, dated 17.02.2021, within the time that may be fixed by this Court.

For Petitioner : Mr.D.Balamurugapandi
For Respondents : Ms.J.Padmavathi Devi
Spl.Govt.Pleader

O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Mandamus, to direct the respondents forthwith to release the petitioner's vehicle bearing Registration No.TN-65-AW-5335, TATA ACE, which was seized by the 2nd respondent in connection with case in Crime No.419/2019 by considering the petitioner's representation, dated 17.02.2021, within the time that may be fixed by this Court.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the vehicle viz., TATA ACE, bearing Reg.No.TN-65-AW-5335. On 11.06.2019, the 2nd respondent Police, intercepted the vehicle of the petitioner near S.Kodikulam Kanmoi, seized 110 liters of Toddy and registered the case in Crime No.419 of 2019. Subsequently, petitioner approached the 1st respondent for releasing of the said vehicle and further, sent a representation on 17.02.2021. Since no action has been taken on the said representation of the petitioner, the petitioner is before this Court.



3. When the matter is taken up for hearing, the learned Special Government Pleader appearing for the respondents would submit that pursuant to seizure of the vehicle viz., TATA ACE, bearing Reg.No.TN-65-AW-5335, by the 2nd respondent, on 17.02.20212, an order of confiscation has been passed on 09.08.2019.

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4. In the light of the submissions made by the learned Special Government Pleader that pursuant to the seizure of the vehicle by the 2nd respondent, on 17.02.20212, an order of confiscation has been passed on 09.08.2019 and therefore, nothing else remains to be considered in this writ petition and the writ petition becomes infructuous.

5. Accordingly, the Writ Petition is dismissed as infructuous with liberty to the petitioner to challenge the confiscation proceedings, in the manner known to law, if so advised. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MPK

Note:(i) 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,
Kamuthi - PEW Police Station,
Kamuthi,
Ramanathapuram District.

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-17212[F] dated 23/04/2021)

W.P (MD)No.4852 of 2021

23.04.2021

RK(13.05.2021) 2P 4C