



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2021

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P.(MD)No.6056 of 2021

K.Muthupandi

... Petitioner

-Vs-

1.The Additional District Superintendent of Police,  
Prohibition Enforcement Wing,  
Madurai District.

2.The Sub Inspector of Police,  
Sindupatty Police Station,  
Madurai District,  
(Crime No.951/2020)

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to consider the petitioner's representation dated 23.12.2020 and consequently, directing the respondents to release the petitioner's vehicle bearing Registration No.TN 58 AS 6247.

|                 |                               |
|-----------------|-------------------------------|
| For Petitioner  | : Mr.R.Vinothkumar            |
| For Respondents | : Mr.M.Rajarajan              |
|                 | Additional Government Pleader |

**ORDER**

Heard the learned counsel on either side. With the consent of learned counsel on either side, the Writ Petition is taken up for final disposal at the admission stage itself.

2.The petitioner is the owner of the petition mentioned two wheeler. It was seized in connection with Crime No.951 of 2020 registered on the file of the second respondent under Section 4(1) (a) of Tamilnadu Prohibition Act.

3.I wanted to know if the final order of confiscation has been passed. It is stated by the respondents that till date, no final order has been passed.

4.Without prejudice to the power of the first respondent to pass orders in accordance with law, I direct the respondents to release the petition mentioned vehicle to the petitioner forthwith and without delay subject to the following conditions:-

a) The petitioner shall not alienate or encumber the vehicle in question till the proceedings are completed.

b) The petitioner shall produce all the documents



pertaining to the ownership of the seized vehicle. If the petitioner concerned is an agreement holder and the R.C book is with the financier, he or she can be permitted to produce the photocopies of the relevant documents and if the vehicle is a new one, sales invoice can be produced.

c) As and when the respondents call for the vehicle for enquiry, the petitioner has to produce the vehicle in question and shall cooperate with the enquiry to be conducted by the respondents.

5.The Writ Petition is allowed accordingly. No costs. The only relief that I am granting is interim custody of the vehicle. I have not gone into the merits of the matter. I make it clear that it is very much open to the respondents herein to initiate and conclude the confiscation proceedings.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /2021

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 District Superintendent of Police,  
Prohibition Enforcement Wing,  
Madurai District.

2.The Sub Inspector of Police,  
Sindupatty Police Station,  
Madurai District.

+1 CC to M/s.SPL GP ( SR-12764[F] dated 22/03/2021 )

W.P.(MD)No.6056 of 2021  
19.03.2021

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sss(CO)

KK(31.03.2021) 2P 4C