



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.6879 of 2021

Karuppasamy

... Petitioner

-Vs-

1.The Deputy Superintendent of Police,
Prohibition Enforcement Wing,
Ramanathapuram District.

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

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to release the petitioner's vehicle bearing Reg.No.TN 07 CU 0042 which was seized by the second respondent on 13.03.2021 in pursuance to the registration of Crime No.171 of 2021, on the file of the second respondent forthwith in accordance with law by considering the representation dated 20.03.2021.

For Petitioner : Mr.C.Senthil Murugan
For Respondents : Mrs.S.Srimathy
Special 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 petition mentioned vehicle was seized in connection with Crime No.171 of 2021 registered on the file of the second respondent for the offence under Sections 4(1)(a) of Tamil Nadu Prohibition Act. Till date, confiscation proceedings have not been initiated.

3.The Hon'ble Supreme Court in the decision reported in (2002) 10 SCC 283 (Sunderbhai Ambalal Desai and Others V. State of Gujarat) has held as follows:-

"17.In our view, whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles.

4.Without prejudice to the power of the respondents to initiate confiscation proceedings 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 (Records)

// 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 Deputy Superintendent of Police,
Prohibition Enforcement Wing,
Ramanathapuram District.

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

+1 CC to M/s.SPL GP (SR-14122[F] dated 29/03/2021)

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26.03.2021

tp(CO)

KK(30.03.2021) 2P 4C

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