



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2021

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
W.P. (MD)No.8896 of 2021

K.Govinthaammal

...Petitioner

Vs.

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

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

... 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 bearing Registration No.TN 65 AV 1329, which was seized on 18.12.2019 in pursuance to the registration of Crime No.218 of 2019, on the file of the second respondent forthwith in accordance with law by considering the representation dated 23.04.2021.

For Petitioner : Mr.C.Senthil Murugan
For Respondent : Mr.R.Suresh Kumar,
Government Advocate

O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Mandamus, to direct the respondents to release the petitioner's vehicle bearing Registration No.TN 65 AV 1329, which was seized on 18.12.2019 in pursuance to the registration of Crime No.218 of 2019, on the file of the second respondent forthwith in accordance with law by considering the representation dated 23.04.2021.

2. Heard Mr.C.Senthil Murugan, learned counsel appearing for the petitioner and Mr.R.Suresh Kumar, learned Government Advocate, appearing for the respondents.

3. The petitioner's vehicle was seized in connection with illegal transportation of 187 Liquor bottles (each contains 180 ML liquor). The enquiry in this regard is still pending.



4. The submission of the learned counsel for the petitioner is placed on record. If this submission turns out to be false, the order now passed by this Court would stand automatically recalled and the petitioner will be visited with serious consequences. I am of the view that no purpose will be served by keeping the vehicle in question in the custody of the respondents. If the vehicle is kept in open space and exposed to sun light and rain, it would lose its value. Therefore, the respondents are directed to release the said vehicle subject to the following conditions.

5. Accordingly, this Writ Petition is disposed of with the following directions.

"(i)The petitioner is directed to deposit a sum of Rs.7,500/- (Rupees Seven Thousand Five Hundred Only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSCCode: IOBA0001172), without prejudice to his rights and contentions;

(ii)The petitioner is directed to produce all the documents pertaining to the ownership of the seized vehicle.

(iii)The petitioner is directed to file an affidavit of undertaking that he will cause production of the vehicle in question before the competent/concerned respondent (as the case may be) as and when called for and further, he will not alienate the vehicle in question till the appropriate proceedings initiated are completed;

(iv) On compliance of the above conditions, the second respondent is directed to release the seized vehicle bearing Registration No.TN 65 AV 1329, to the petitioner.

(v)The first respondent is directed to pass final orders in the adjudication proceedings, if any, within a period of 45 days;

(vi)This order for the release of the vehicle can be pressed into service by the petitioner only if the vehicle is not in the custody of the criminal Court. If the vehicle is in the custody of the concerned criminal Court of appropriate jurisdiction, then option is given to the petitioner to approach the concerned Judicial Magistrate to get release of the vehicle, by filing necessary application in the manner known to law and in accordance with law; and

(vii)Inasmuch as the vehicle No.TN 65 AV 1329, is seized by the second respondent on 18.12.2019, the aforesaid order is to be



complied with within a period of one week, if no order of adjudication is passed as on today.
No costs.

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Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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,
Mudukalathur Police Station,
Ramanathapuram District.

+1 CC to M/s.SPL GP (SR-21946[F] dated 09/07/2021)

Order made in
W.P. (MD)No.8896 of 2021

Dated 08.07.2021

CN(14.07.2021) 3P 4C