



18.04.2021 as the same was using by her husband for carrying liquor bottles without permit. Thereafter, without issuing notice to the petitioner, who is the owner of the vehicle, the impugned order has been passed and therefore, there is violation of principles of natural justice and therefore, the impugned order may be set aside.

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3. The learned counsel for the petitioner draws attention of this Court to Section 14(4) of the Tamilnadu Prohibition Act, 1937. The provision reads as follows:-

"14.4. Notwithstanding anything contained in sub Sections (1) to (3), the Collector or other Prohibition Officer in -charge of the District or any other officer authorised by the State Government in that behalf, shall detain the animals, vessel, cart, or other vehicle used in the commission of an offence against this Act till the case is disposed of by the Court and notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), no interim order regarding the disposal of such property shall be passed by the Court till the case is disposed of."

4. The learned standing counsel for the respondents would state that the order under challenge in the writ petition is an order of confiscation passed under Section 14 of the Tamil Nadu Prohibition Act, 1937 and there is an appeal remedy available to the petitioner before the Sessions Court.

5. For that, the learned counsel for the petitioner would state that if he can demonstrate the violation of the principles of natural justice, then, the writ petition is maintainable.

6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. When this Court raised a query that as to whether the third requirement under the Act, namely reasonable opportunity of being heard in the matter was provided to the petitioner herein, even after verifying the records, the learned Standing Counsel for the respondents is not able to show any such hearing notice having been given to the petitioner herein.

8. In such view of the matter, the order impugned in the writ petition is quashed. The matter is remitted to the file of the jurisdictional authority for passing fresh orders. The jurisdictional authority will issue a hearing notice to the petitioner herein and thereafter, pass fresh orders on merits and in accordance with law. The respondents are directed to return the two wheeler to the petitioner herein. The petitioner through her counsel undertakes before this Court that she will not alienate the vehicle and that she will produce the vehicle as and when required.

<https://hccservices.courtservicetamilnadu.org>



are concluded. If this undertaking is breached, the petitioner will be visited with consequence of contempt of Court.

9.The Writ Petition is allowed on these terms. Consequently, connected Miscellaneous Petition is closed. No costs.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pm

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 Superintendant of Police,
District Crime Branch,
Prohibition and Excise Wing(in-charge),
Ramanathapuram,
Ramanathapuram District.

2.The Inspector of Police,
Prohibition and Excise Wing,
Ramanathapuram, Ramanathapuram District.

+1 CC to M/s.SPL GP (SR-20301[F] dated 25/06/2021)

Order made in
W.P(MD)No.10427 of 2021

Dated:
24.06.2021

CN (02.07.2021) 3P 4C