



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.12136 of 2021

Shalini

... Petitioner

Vs.

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

2.The Inspector of Police,
Aravakuruchi Police Station,
Karur District.(Crime No.225/21) ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to release the Honda Dio two wheeler of the petitioner bearing Registration No.TN-47-BX-1886 to her custody immediately.

For Petitioner : Mr.R.Mathiyalagan

For Respondents : Mr.P.Thilak Kumar

Govt.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 two wheeler viz., Honda Dio, bearing Registration No.TN-47-BX-1886 to her custody.

2. Mr.P.Thilak Kumar, learned Government Advocate takes notice for the respondents.

3. The petitioner's vehicle was seized in connection with illegal transportation of Liquor. The enquiry in this regard is still pending. The learned counsel for the petitioner affirms before this Court that the petitioner's vehicle was not involved in any previous incident of similar nature.

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.5,000/- (Rupees Five Thousand 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 respondent concerned is directed to release the seized vehicle, viz., Two Wheeler, Honda Dio, bearing Registration No.TN-47-BX-1886, 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 viz., Two Wheeler, viz., Honda Dio, bearing Registration No.TN-47-BX-1886, is seized by the second respondent on 12.05.2021, 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.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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 Office,
Karur District.

2.The Inspector of Police,
Aravakuruchi Police Station,
Karur District.

Copy to;

The Officer In Charge,
Chief Minister's Public Relief Fund,
Secretariat,
Chennai-9.

+1 CC to M/s.GP (SR-23295[F] dated 20/07/2021)

RKN (28.07.2021) 3P 5C