



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :20.07.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.12231 of 2021

and

W.M.P (MD)Nos.9628 and 9629 of 2021

WEB COPY

K.Karuppasamy

... Petitioner

Vs.

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

2.The Inspector of Police,
Karur P.E.W. Police Station,
Karur District.

(In Crime No.653 of 2021)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order vide ந.க.எண்.18/ஆ.அ/ம.ஷ.அ/கருர்/21 dated 14.07.2021 of the second respondent and quash the same as illegal.

For Petitioner : Mr.C.M.Arumugam

For Respondents : Mr.P.Thilak Kumar,
Government Advocate

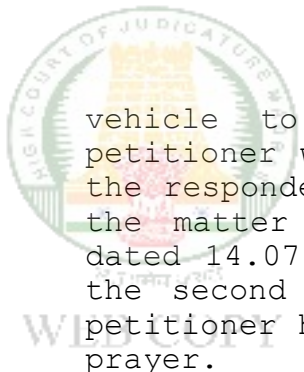
O R D E R

Mr.P.Thilak Kumar, learned Government Advocate accepts notice on behalf of the respondents.

2.By consent, the writ petition itself is taken up for final disposal at the admission stage.

3.This writ petition has been filed by the petitioner seeking for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order vide ந.க.எண்.18/ஆ.அ/ம.ஷ.அ/கருர்/21 dated 14.07.2021 of the second respondent and quash the same as illegal.

4.The learned counsel for the petitioner would state that on 30.05.2021, the petitioner's vehicle viz., lorry bearing Registration No.TN-67-BL 6066 was seized by the second respondent police on the allegation that the vehicle was used for transportation of liquor bottles and a case in Crime No.653 of 2021 has also been registered for the offence under Section 4(1)(a) of the Tamil Nadu Prohibition Act, 1937 and subsequently, the first respondent has also passed an order of confiscation dated 11.06.2021. Challenging the same, the petitioner has filed W.P(MD)No.10478 of 2021 and this Court vide order dated 26.06.2021, had set aside the confiscation order and granted interim custody of the



vehicle to the petitioner with certain conditions. However, the petitioner was able to take custody of the vehicle only on 13.07.2021 as the respondents forced the petitioner to run from pillar to post. While the matter stood thus, the respondent has passed the impugned order, dated 14.07.2021, directing the petitioner to produce the vehicle before the second respondent police station and aggrieved over the same, the petitioner has come forward to file this writ petition with the aforesaid prayer.

5.The learned counsel for the petitioner would further submit that as per the order passed by the second respondent, the petitioner was not able to produce the vehicle, however, the petitioner is willing to produce the vehicle on the first working day of every English Calendar month and prays for appropriate orders, for which, the learned Government Advocate has no objection.

6.Heard the submissions made on either side and perused the materials available on record.

7.It is the specific contention of the learned counsel for the petitioner that since the vehicle has been under the custody of the respondents for more than 44 days and it was not put into use, the vehicle had been left in the work shop and therefore, the petitioner was not able to produce the vehicle on 14.07.2021.

8.Considering the submissions of the learned counsel for the petitioner and also considering the facts and circumstances of the case, I am inclined to set aside the order impugned in this writ petition.

9.In the result, the impugned order of the second respondent in e.f.vz;.18/M.m/k.tp.m/fUh;/21 dated 14.07.2021, is set aside. The petitioner is directed to produce the vehicle once in a month., ie., on the first working of every English calendar month, before the respondents, till the adjudication proceedings are completed. It is needless to state that if the petitioner indulges in any act violating the law, it is always open to the respondents to take action in the manner known to law.

10.The writ petition is allowed accordingly with the above observations and direction. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Prohibition Enforcement Wing Office,
Karur District.

2.The Inspector of Police,
Karur P.E.W. Police Station,
Karur District.

+1CC to C.M.Arumugam, Advocate (SR23466)
+1CC to Special Government Pleader (SR23495)

W.P (MD) No.12231 of 2021

20.07.2021

ES

RS (10.08.2021) 3P-5C