



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :23.07.2021

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P. (MD)No.12421 of 2021

K.Seematti

... Petitioner

Vs.

1.The Deputy Superintendent of Police,  
Office of the Deputy Superintendent of Police,  
Prohibition and Excise Wing,  
Ramanathapuram District.

2.The Inspector of Police,  
Devipattinam Police Station,  
Devipattinam Village,  
Ramanathapuram District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to release the petitioner's two wheeler vehicle bearing Registration No.TN 65/AM 3619 Hero Pleasure by considering the representation of the petitioner dated 12.07.2021 within the time stipulated by this Court.

For Petitioner : Mr.C.Gangai Amaran  
For Respondent : Mr.P.Thilak Kumar,  
Government Advocate

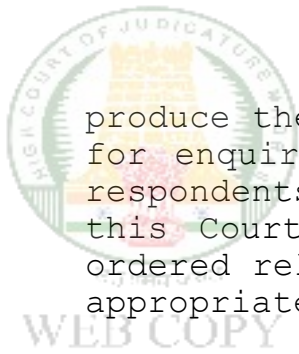
### O R D E R

This Writ Petition has been filed for a direction to the respondents herein to release the petitioner's two wheeler viz., Hero Pleasure bearing Registration No.TN 65-AM 3619 by considering the representation of the petitioner dated 12.07.2021, within a stipulated time.

2. Heard the learned counsel appearing on either side.

3. The petition mentioned vehicle was seized in connection with Crime No.38 of 2021 registered on the file of the second respondent police for the offence under Section 4(1)(a) and 4(1)(i) of Tamil Nadu Prohibition Act. It is not in dispute that till now no confiscation order under Section 14 of the Tamil Nadu Prohibition Act, has been passed. It is also not in dispute that the vehicle has not been produced before the jurisdictional Criminal Court.

4.The learned counsel for the petitioner on instructions gives an undertaking that the petitioner will not alienate the petition mentioned vehicle till the confiscation proceedings are over. He also gives a further undertaking that the petitioner will also



produce the vehicle as and when the respondents call for the vehicle for enquiry and cooperate with the enquiry to be conducted by the respondents. He would further state that in similar circumstances, this Court vide order dated 27.04.2021 in W.P(MD)No.8406 of 2021 ordered release of vehicle imposing certain conditions and prays for appropriate orders.

5. Considering the submissions of the learned counsel for the petitioner, I am inclined to order release of vehicle. Therefore, the respondents are directed to release the petitioner's vehicle subject to the following conditions:-

- a) *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, IFSC Code: IOBA0001172), without prejudice to her rights and contentions;*
- b) *The petitioner shall not alienate or encumber the vehicle in question till the proceedings are completed.*
- c) *The petitioner shall produce all the documents pertaining to the ownership of the seized vehicle.*
- d) *As and when the respondents call for the vehicle for enquiry, the petitioner has to produce the vehicle in question and he shall cooperate with the enquiry to be conducted by the respondents.*

6. Upon completion of these formalities, the respondents shall release the vehicle to the petitioner forthwith without any delay. If this undertaking given by the petitioner is breached, the petitioner will not be entitled to interim release of the vehicle in future. I make it clear that it is very much open to the respondents herein to initiate and conclude the confiscation proceedings. The only relief that I am granting is interim custody of the vehicle. I have not gone into the merits of the matter.

7. The Writ Petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pm



To

1.The Deputy Superintendent of Police,  
Office of the Deputy Superintendent of Police,  
Prohibition and Excise Wing,  
Ramanathapuram District.

2.The Inspector of Police,  
Devipattinam Police Station,  
Devipattinam Village,  
Ramanathapuram District.

Copy to  
The Officer Incharge,  
Chief Minister's Public Relief Fund,  
Finance(CMPRF) Department,  
Government of Tamil Nadu,  
Secretariat, Chennai 600 009.

+1 CC to M/s.GP ( SR-23885[F] dated 26/07/2021 )

W.P. (MD) No.12421 of 2021  
23.07.2021

cm(CO)  
TR(02.08.2021) 3P 5C