



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :27.07.2021

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P. (MD)No.12705 of 2021

Sasikumar

...Petitioner

Vs.

1.The Deputy Superintendent of Police,
Prohibition and Excise Wing,
Dindigul.

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

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to release the petitioner's Two-Wheeler vehicle Honda Dio - bearing Registration No.TN 13-B-8010 on the basis of the petitioner's representation dated 20.07.2021 within a stipulated time.

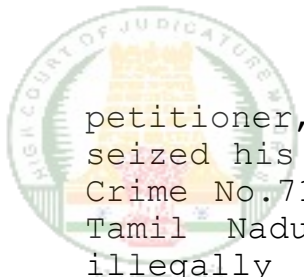
For Petitioner : Mr.J.Lawrance

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

O R D E R

This Writ Petition has been filed for a direction to the the second respondent to release the petitioner's Two-Wheeler vehicle Honda Dio - bearing Registration No.TN 13-B-8010 on the basis of the petitioner's representation dated 20.07.2021, within a stipulated time.

2. The case of the petitioner is that he is running a tea stall. On 28.06.2021, on his way to tea stall, the 2nd respondent had intercepted his two wheeler and directed him to produce the registration certificate of the two wheeler. When the petitioner was about to produce the same, the police personnel of the 2nd respondent had started abusing him in filthy language and there was a wordy quarrel between the petitioner and police. According to the



petitioner, without any fault on him, the police arrested him and seized his two wheeler and also foisted a false case against him in Crime No.716 of 2021 for the offences under Section 4(1)(a) of the Tamil Nadu Prohibition Act, alleging as if the petitioner was illegally transporting 20 bottles of illicit liquor through two wheeler for illegal enrichment. The petitioner would further state that he was released on bail but till date, his seized vehicle has not been produced before the Judicial Magistrate concerned and the vehicle is deteriorating day-by-day as it is lying and exposed to sun and rain. The representations to the 2nd respondent to release the vehicle went in vain. Hence, this writ petition.

3.The learned counsel for the petitioner, on instructions, has given an undertaking that the petitioner will not alienate the petition mentioned vehicle till the confiscation proceedings are over and that the petitioner will appear and produce the vehicle as and when the respondents direct him to do so for enquiry and also will cooperate for the enquiry to be conducted by the respondents.

4. Heard the learned counsel appearing on either side.

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 ordered accordingly. No costs.

Sd/-

Assistant Registrar (AS)

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/ /2021

Sub Assistant Registrar(CS)

pm

To

1.The Deputy Superintendent of Police,
Prohibition and Excise Wing,
Dindigul.

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

3.The Officer Incharge,
Chief Minister Public Relief Fund.
Secretariat,
Chennai 600 009

+1 CC to M/s.SPL GP (SR-24188[F] dated 28/07/2021)

+1 CC to M/s.J.LAWRANCE, Advocate (SR-23949[F] dated 27/07/2021)

W.P. (MD) No.12705 of 2021

27.07.2021

RK (12.08.2021) 3P 6C