



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :30.07.2021

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P. (MD)No.13144 of 2021

Arul Govindan

... Petitioner

Vs.

The Inspector of Police,
Thiruvidadimaruthur Police Station,
Thanjavur District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 17.07.2021, immediately release his Car bearing Registration No.TN 03 E 3817 and model namely "Volkswegan Polo Comfort Line" seized by the respondent in pertaining to the case in Crime No.863 of 2021 dated 22.06.2021 on the file of the respondent police and hand over to the petitioner.

For Petitioner	: Mr.S.Sathyachidambaram
For Respondent	: Mr.P.Thilak Kumar, Government Advocate

ORDER

This Writ Petition has been filed for a direction to the respondents herein to release the petitioner's vehicle viz., Car - Volkswegan Polo Comfort Line, bearing Registration No.TN 03 E 3817 by considering the representation of the petitioner dated 17.07.2021, 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.863 of 2021 registered on the file of the second respondent police for the offence under Section 4(1)(aaa) and 4(1-A) of the 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 respondent.

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

a) The petitioner is directed to deposit a sum of Rs.25,000/-



(Rupees Twenty 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 respondent 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 respondent.

6. Upon completion of these formalities, the respondent 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 respondent 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 (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1. The Inspector of Police,
Thiruvidaimaruthur Police Station,
Thanjavur District.

2. The Incharge,
O/o. Chief Minister Public Relief Fund,
Secretariat Branch,
Chennai-9.

W.P. (MD) No.13144 of 2021
30.07.2021

SSS

RS (10.08.2021) 2P-3C