



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.5445 of 2022
and W.M.P.Nos.5543 and 5544 of 2022

M.Bakayaraj

... Petitioner

Vs.

1. State Rep by its,
Additional Superintendent of Police,
Child and Women Crimes,
Coimbatore District.

2. State Rep by its,
Inspector of Police,
Sulur Police Station,
Coimbatore District.

(In Crime No.642/2021)

... Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorified Mandamus, to call for the records of the 1st respondent's final order dated 21.02.2022 in C.No.153/ADSP/CWC/Veh.Con/CBE/202 and quash the same as illegal and consequently to direct the respondents to hand over the petitioner's vehicle namely Maruthi Swift Desire bearing Registration No.Tn 99 U 1197 to petitioner.

For Petitioner : Mr.A.Jeyaram

For Respondents : Mr.S.Ravi Chandran
Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Certiorified Mandamus to call for the records of the 1st respondent's final order dated 21.02.2022 in C.No.153/ADSP/CWC/Veh.Con/CBE/202 and quash the same as illegal and consequently, direct the respondents to hand over the



petitioner's vehicle namely Maruthi Swift Desire bearing Registration No.TN 99 U 1197 to the petitioner.

2. The learned Additional Government Pleader takes notice for the official respondents. In view of the limited relief sought for in this petition and on the consent of the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner is the owner of the vehicle namely Maruthi Swift Desire bearing Registration No.TN 99 U 1197. As the said vehicle is connected with Crime No.642 of 2021 under Section 4(1)(a) of the Tamil Nadu Prohibition Act, the vehicle was seized. Thereafter, confiscation order was passed under Section 14(4) of the Tamil Nadu Prohibition Act, pursuant to which the value of the vehicle was assessed at Rs.5,00,000/- and notice was sent to the petitioner calling upon him to pay the value or it will go into public auction. Challenging the same, the present Writ Petition is filed with the above said prayer.

4. The learned counsel appearing for the petitioner submitted that as against the confiscation proceedings, petitioner filed an appeal in CrI.A.No.03 of 2020, on the file of Additional District and Sessions Judge, Coimbatore and it is pending. In the meanwhile, the present notice was issued as against the petitioner. However, the petitioner is willing to deposit Rs.3,00,000/- in Crime No.642 of 2021 and prayed that the said vehicle may be released to the petitioner.

5. The learned Additional Government Pleader appearing on behalf of the official respondents has no serious objections for adopting the above course of action by this Court.

6. Considering the facts and circumstances of this case, it is seen that the petitioner's vehicle model is of the year 2015 and the said vehicle was under configuration under Section 14(4) of the Tamil Nadu Prohibition Act. Subsequently, the petitioner filed an appeal in terms of Section 16(5) of the Act. Admittedly, the appeal is pending. In view of the same, this Court is inclined to issue direction to the petitioner to pay Rs.3,00,000/- in C.No.153/ADSP/CWC/Veh.Con/CBE/202, as the petitioner was willing to pay. On receipt of the said amount, the respondents are directed to release the said vehicle. The petitioner is directed not to alienate the vehicle till the disposal of the confiscation proceedings and criminal proceedings and the petitioner is also directed to produce the vehicle, whenever required by the respondents/Court.



7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Psa

To

1. The Additional Superintendent of Police,
Child and Women Crimes,
Coimbatore District.
2. The Inspector of Police,
Sulur Police Station,
Coimbatore District.

+1cc to Mr.Ananda Babu.G, Advocate, S.R.No.16941
+1cc to the Government Pleader, S.R.No.16998

W.P. No.5445 of 2022

SPD(CO)
CT 25/03/2022