



WEB COPY



W.P.No.5198 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.10.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.5198 of 2020

Kovardhani

... Petitioner

Vs

1.The Additional Superintendent of Police,
(Prohibition), Thiruvarur District.

2.State, represented through
The Inspector of Police,
Peralam Police Station,
Cr.No.618/2019

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to act upon the representation dated 17.02.2020 made to them by the petitioner and release the Mini Lorry bearing Regn.No.TN 02 BP 8410, belonging to the petitioner, which was seized by the second respondent in Cr.No.618/2019 under Section 4(1)(aaa) of the Tamil Nadu Prohibition Act, 1937 and kept in custody by the first respondent within a time frame.

For Petitioner : Mr.Suresh
for Mr.T.Dharani

For Respondents : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader



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ORDER

Heard Mr.Suresh, learned counsel appears for Mr.T.Dharani, learned counsel on record for the petitioner and Mr.R.U.Dinesh Rajkumar, learned Additional Government Pleader for the respondents.

2.The petitioner has sought a mandamus directing the respondents to act upon her representation dated 17.02.2020 seeking release of a mini lorry bearing registration No.TN-02-BP8410 (vehicle in question) seized by the second respondent/Inspector of Police and kept in his custody.

3.Learned counsel for the respondents would object to the prayer, prima facie, pointing out that the petitioner had approached the District Munsif - cum - Judicial Magistrate, Nannilam by way of a petition for return of property under Section 451 and 457 of the Criminal Procedure Code (in short 'Cr.PC). That petition had come to be rejected on 23.01.2020 and the petitioner had been directed to seek remedy before the appropriate forum under the Tamil Nadu Prohibition Act, 1937.

4.It is for the petitioner to have filed a Criminal Revision Petition under Section 367 of the Cr.P.C. challenging order dated 23.01.2020, which does not appear to have been done.

5.That apart, the submissions of the learned counsel for the respondents also reveal that much water has flown under the bridge from the time when this



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notice as early as on 09.11.2021, which had been duly served upon the petitioner (received by his son on his behalf), proceedings had been taken to auction the vehicle in question and such auction had been carried out on 10.12.2021 and the vehicle has been handed over to a third party.

6. With this, the prayer of the petitioner is not liable to be considered and hence, this Writ Petition is dismissed recording the above narration. No costs.

19.10.2022

Index : Yes / No

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To

1. The Additional Superintendent of Police,
(Prohibition), Thiruvarur District.

2. State, represented through
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Peralam Police Station,



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Dr.ANITA SUMANTH,J.

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