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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

WRIT PETITION NO.6751 OF 2022

AND

W.M.P.NO.6834 OF 2022

Yuvarani

... Petitioner

-Vs-

1. The Deputy Superintendent of Police,
PEW Wing,
Chengalpattu District.

2. The State Rep. by
The Inspector of Police,
Achirapakkam Police Station,
Chengalpattu District.
(Crime No.443 of 2021)

... Respondents

PRAYER:-

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to consider and dispose the confiscation proceedings vide proceedings No.C.No.10/DSP/PEW/CPT/2022 dated 13.01.2022 within a stipulated time as prescribed by this Hon'ble Court.

For Petitioner : Mr.R.Balaguru Swamy

For Respondents : Mr.S.Ravichandran
Additional Government Pleader

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the 1st respondent to consider and dispose the confiscation proceedings vide proceedings No.C.No.10/DSP/PEW/CPT/2022 dated 13.01.2022 within a stipulated time as prescribed by this Hon'ble Court.



2. The petitioner's vehicle namely TATA INTRA V10 with Registration No.TN 11 AU 4675 was intercepted and seized by the respondent prohibition authorities under the provisions of Tamil Nadu Prohibition Act, 1937.

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3. Thereafter, as the said vehicle was involved in the alleged offence punishable under Section 4(1)(aa) of the TN Prohibition Act, 1937, a case has been registered in Crime No.443 of 2021 at Achirapakkam Police Station.

4. Pursuant to the said proceedings, the respondent had issued a show cause notice dated 13.01.2022 proposing the vehicle to be confiscated under Section 14(4) of the said Act and sought for reply to the said show cause notice. In respect of the same, the petitioner had given response on 31.01.2022.

5. Despite the said response has been made or reply has been given by the petitioner, so far the confiscation proceedings initiated through the show cause notice referred above has not been completed and the vehicle has not been released. Therefore, the petitioner has moved this Court with the present Writ Petition.

6. Heard Mr.R.Balaguru Swamy, learned counsel for the petitioner who seeks indulgence of this Court by reiterating the afore said facts to issue a direction to complete the confiscation proceedings at the earliest.

7. Heard Mr.S.Ravichandran, learned Additional Government Pleader appearing for the respondents who would submit that, if at all the reply has already been given by the petitioner for the show cause notice, certainly that would be considered and decided within the time frame as stipulated by this Court.

8. I have considered the said submissions made by the learned counsel on either side and have perused the materials placed on record.

9. Having regard to the said factual matrix of the case and taking into account the innocuous nature of the prayer sought for by the petitioner, this Court is inclined to dispose of this Writ Petition with the following order.

"That there shall be a direction to the respondent to consider the reply given by the petitioner dated 31.01.2022 and accordingly decide the confiscation proceedings initiated as against the petitioner by show cause notice dated 13.01.2022 and pass orders thereon on merits and in accordance with law within a period of four



weeks from the date of receipt of a copy of this order."

10. With these directions, this Writ Petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ANU/KST

To

1. The Deputy Superintendent of Police,
PEW Wing,
Chengalpattu District.
2. The Inspector of Police,
Achirapakkam Police Station,
Chengalpattu District.

+1cc to Mr.R.Balaguru Swamy, Advocate, S.R.No.19751
+1cc to the Government Pleader, S.R.No.20379

W.P.NO.6751 OF 2022 AND
W.M.P.NO.6834 OF 2022

PA (CO)
PBS/05/04/2022