



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 11.2.2022.

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Writ Petition No.24880 of 2021
and
W.M.P.No.26191 of 2021

M/s.TVS Credit Services Limited,
"Jayalakshmi Estates", Third Floor,
No.29, Haddows Road, Nungambakkam,
Chennai 600 006.
rep. by its Authorized Signatory
Mr.Ruban K.N.

...Petitioner

vs.

1. State by
The Inspector of Police,
Prohibition Enforcement Wing,
Vellore Police Station, Vellore.

2. The Deputy Commissioner of Police,
Prohibition Enforcement Wing,
Vellore District.

...Respondents

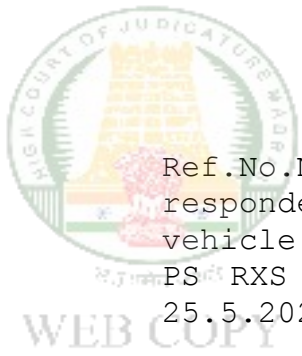
Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records and quash the impugned order dated 25.5.2021 vide Ref.No.NA.KA.No.08/TU.KA.AA/MA.VE.AA.P/2021 passed by the 2nd respondent and consequently direct the respondents to return the vehicle bearing Registration No.TN 99 E 4044 (RENAULT DUSTER 85 PS RXS DIESEL) to petitioner herein which was confiscated on 25.5.2021 by the respondent.

For Petitioner : Mr.V.Giridhar for
Mr.C.Selvakumar

For Respondents : Mr.A.Gokulakrishnan, APP

ORDER

The petition has been filed seeking issuance of a writ of certiorarified mandamus to call for the records and quash the impugned order dated 25.5.2021 vide



Ref.No.NA.KA.No.08/TU.KA.AA/MA.VE.AA.P/2021 passed by the 2nd respondent and consequently direct the respondents to return the vehicle bearing Registration No.TN 99 E 4044 (RENAULT DUSTER 85 PS RXS DIESEL) to petitioner herein which was confiscated on 25.5.2021 by the respondent.

2. The case of the petitioner is that the subject vehicle was purchased by one K.Durai by availing loan from the petitioner Company and since he had committed default in payment of EMI, arbitration proceedings were initiated against the said K.Durai and pending such proceedings, the petitioner had received Show Cause notice from the second respondent contending that the vehicle had been seized by the first respondent police in Crime No.260 of 2020 for the offences punishable under Sections 4(1)(aaa) and 4(1-A)(ii) of Tamil Nadu Prohibition Act, 1937. It is the further case of the petitioner that the petitioner had to reply to the show cause notice within 7 days from 30.4.2021, however, even before expiry of such time limit, viz., on 25.5.2021 itself, the second respondent had passed the impugned order and thereby, the petitioner seeks indulgence of this court.

3. When the matter is taken up today, learned Additional Public Prosecutor would submit that Section 14(4) of Tamil Nadu Prohibition Act, 1937 provides for notice to the owner or the person from whom the property was seized and accordingly, after due notice to the registered owner of the property, who is the accused in this case, confiscation has been effected and thereafter, the vehicle has been sold in auction on 30.9.2022 itself and if the petitioner, as third party, is aggrieved against the order, they can only challenge it by way of an Appeal before the Court of Sessions having jurisdiction.

4. In view of the submission made by the learned Additional Public Prosecutor, this court is of the view that nothing survives for adjudication in this writ petition. Accordingly, the writ petition stands closed. No costs. The connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar



ssk.
To

1. The Deputy Commissioner of Police,
Prohibition Enforcement Wing,
Vellore District.
2. The Inspector of Police,
Prohibition Enforcement Wing,
Vellore Police Station, Vellore.
3. The Public Prosecutor
High Court, Madras 104.

Writ Petition No.24880 of 2021
and W.M.P.No.26191 of 2021

PCH(CO)
SP(04/03/2022)