



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.[MD]No.453 of 2022

WEB COPY

S.Kannan

... Petitioner

Vs.

State rep. by

1.The Deputy Superintendent of Police,
Office of the District Superintendent of Police,
Prohibition Enforcement Wing,
Ramanathapuram,
Ramanathapuram District.

2.The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
(Crime No.228 of 2020)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents from proceeding with any auction and / or confiscation proceedings in respect of my two wheeler bearing registration number TN 65 AK 3681 (Hero Honda Splender Plus) involved in Crime No.228 of 2020, on the file of the second respondent herein and to produce the said two wheeler before the District Munsif cum Judicial Magistrate Court, Thiruvadanai, Ramanathapuram District.

For Petitioner

: Mr.K.Ramanathan

For Respondents 1&2

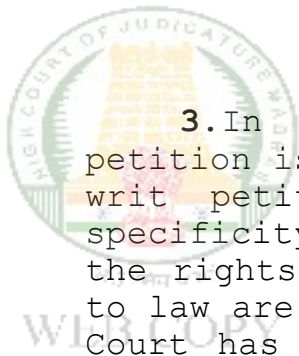
: Mr.T.Amjadkhan

Government Advocate

O R D E R

Mr.K.Ramanathan, learned Counsel for writ petitioner, after some arguments sought permission of this Court to withdraw captioned writ petition but sought leave of this Court to preserve the rights of writ petitioner to move the jurisdictional Magistrate's Court *inter alia* for custody of the two wheeler pending trial.

2.To be noted, the above request was made as the writ petition has been filed primarily on the ground that there cannot be any auction without confiscation and in the case on hand the confiscation order is yet to be passed. To be noted only the show cause notice [show cause notice signed on 05.03.2021] has been issued and the writ petitioner's representation has been rejected vide proceedings signed on 08.05.2021.



3. In the light of the narrative thus far, captioned writ petition is disposed of as withdrawn albeit preserving the rights of writ petitioner in the aforesaid manner. For the purpose of specificity, it is made clear that if there is a confiscation order the rights of writ petitioner to assail the same in a manner known to law are also preserved. Though obvious it is made clear that this Court has not expressed any view or opinion on the merits of the matter in this order. There shall be no order as to costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

MR

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

1. The District Munsif cum Judicial Magistrate,
Thiruvadanai, Ramanathapuram District
2. The Deputy Superintendent of Police,
Office of the District Superintendent of Police,
Prohibition Enforcement Wing,
Ramanathapuram,
Ramanathapuram District.
3. The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.

+1 CC to M/s.SPL GP (SR-1322[F] dated 11/01/2022)

W.P. [MD] No.453 of 2022
11.01.2022

BK (CO)
KB (27.01.2022) 2P 5C