



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2022

CORAM

THE HONOURABLE MR. JUSTICE C.SARAVANAN

Writ Petition (MD) No.2806 of 2022

Arirasu, S/o.Periyasamy

.. Petitioner

Versus

1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

2.The Deputy Superintendent of Police,
Prohibition Enforcement Wing,
Ramanathapuram.

3.The Inspector of Police,
Prohibition Enforcement Wing,
Ramanathapuram.

.. Respondents

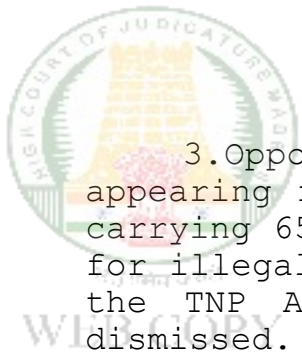
Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to release the petitioner's two wheeler, namely, Bajaj Pulsar - 125, bearing Registration No.TN-65-AM-1333, seized by the third respondent Police, by considering the petitioner's representation, dated 22.01.2022, within a time to be stipulated by this Court.

For Petitioner	:	Mr.K.Muthuvai Ilayaraja
For Respondents	:	Mr.J.K.Jayaseelan Government Advocate

ORDER

This Writ Petition has been filed for a Mandamus to direct the respondents to release the petitioner's two wheeler, namely, Bajaj Pulsar - 125, bearing Registration No.TN-65-AM-1333, seized by the third respondent Police, by considering the petitioner's representation, dated 22.01.2022.

2.It is the specific case of the petitioner that the petitioner's vehicle was seized on 13.01.2022 by the third respondent for carrying liquor bottles illegally and that a false case was registered against the rider of the vehicle viz., Selvaraj in Crime No.42 of 2022 for the offence under Section 4(1)(a) of the Tamil Nadu Prohibition Act, 1937 [hereinafter referred to as 'the TNP Act'] and that the petitioner's attempts to explain the same to the third respondent was futile, as the third respondent has not released the vehicle nor produced the same before the competent authority so far.



3. Opposing the prayer, the learned Government Advocate appearing for the respondents submits that the vehicle was used for carrying 65 liquor bottles illicitly and therefore, the vehicle used for illegal transit was liable to be confiscated under Section 14 of the TNP Act and therefore, the Writ Petition is liable to be dismissed.

4. The learned counsel for the petitioner and the learned Government Advocate appearing for the respondents are unable to confirm whether the notice under Section 14 of the TNP Act has been issued to the petitioner or not till date.

5. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Government Advocate for the respondents.

6. Today [11.02.2022], by a detailed order, in **W.P. (MD) No. 2796 of 2022** in the case of **Vijayamuthu Vs. The Superintendent of Police, Virudhunagar District and another**, the law relating to seizure and release of the vehicle has been discussed. Essentially, in terms of the above said order, it has been held that a person whose vehicle has been seized in terms of Section 51 of the TNP Act, can initiate proceedings under Chapter XXXIV of Code of Criminal Procedure read with Section 53 of the TNP Act.

7. It appears that the vehicle has not yet ordered to be confiscated under Section 14 of the TNP Act. Therefore, the petitioner is directed to work out his remedy in accordance with the provisions of the Code of Criminal Procedure as made applicable to the seized vehicle under the TNP Act. In case, the respondents have already passed an order of confiscation under Section 14 of the TNP Act, liberty is given to the petitioner to approach the Sessions Court under Section 14(5) of the TNP Act within a period of 15 days from the date of receipt of a copy of this order.

8. This Writ Petition is disposed of with the above observation. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

smn2



To

- 1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 2.The Deputy Superintendent of Police,
Prohibition Enforcement Wing,
Ramanathapuram.
- 3.The Inspector of Police,
Prohibition Enforcement Wing,
Ramanathapuram.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.SPL GP (SR-6187[F] dated 15/02/2022)

WP (MD) No.2806 of 2022

11.02.2022

SMV(CO)

GC(24.02.2022) 3P 6C