



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.03.2022
CORAM

THE HONOURABLE MR. JUSTICE C.SARAVANAN

WEB COPY

Writ Petition (MD) No.4517 of 2021
and
W.M.P. (MD) No.4279 of 2021

Manikandan, S/o.Dhandapani

.. Petitioner

Versus

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

2.The Deputy Superintendent of Police,
Prohibition Enforcement Wing,
Dindigul, Dindigul District.

3.The Inspector of Police,
Oddanchatram Police Station,
Dindigul District.
(Crime No.438 of 2020)

.. 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 vehicle (Toyato Qualis Car) bearing
Registration No.TN-38-Q-0470.

For Petitioner : Mr.K.Elangovan

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 vehicle (Toyato Qualis Car)
bearing Registration No.TN-38-Q-0470, seized by the third respondent
Police, by considering the petitioner's representation, dated
23.02.2021.

2.It is the specific case of the petitioner that the
petitioner's vehicle was seized on 21.04.2020 by the third
respondent for carrying liquor bottles illegally and that a false
case was registered against the driver of the vehicle in Crime
No.438 of 2020 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 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. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Government Advocate for the respondents.

5. Under similar circumstances, this Court, by a detailed order, dated 11.02.2022, 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.

6. 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.

7. This Writ Petition is disposed of with the above observation. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

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/ /2022

Sub Assistant Registrar (CS)

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To

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

2. The Deputy Superintendent of Police,
Prohibition Enforcement Wing,
Dindigul, Dindigul District.

3. The Inspector of Police,
Oddanchatram Police Station,
Dindigul District.

+1 CC to M/s.SPL GP (SR-11877[F] dated 14/03/2022)

WP (MD) No.4517 of 2021
11.03.2022

MGJ(07.04.2022) 3P 5C