



WEB COPY

W.P(MD).No.26027 of 202



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD).No.26027 of 2022

Ananthi

... Petitioner

Vs.

1.The State Represented through
The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Sivagangai District.

2.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
(Crime No.359 of 2022)

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the entire relevant records of impugned order passed by the 1st Respondent in violation of natural justice, vide:Na.Ka.No.42/Koo.Ka.Ka/Ma.Vi-Va/Siva/2022, dated 10.10.2022, and consequently, set aside the same and direct to release the Petitioner's swift desire Vehicle No.TN-63-BM-8230 DZIRE ZXI+ from the custody of the Respondents based on the Petitioner's representation on 11.11.2022 within a stipulated time that may be fixed by this Court.



For Petitioner : Mr.R.Senthilkumar
For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This writ petition has been filed challenging the impugned proceedings, dated 10.10.2022 on the premise that notice calling for objections has been issued after confiscating the Petitioner's vehicle bearing Registration No.TN-63-BM-8230 DZIRE ZXI+ under Section 14(4) of the Tamil Nadu Prohibition Act.

2. It is submitted that in terms of Section 14(4) of the Tamil Nadu Prohibition Act, duty is cast on the authority to issue a notice before seizing the vehicle. However, even from the impugned proceedings, it is evident that the seizure has been completed and the impugned proceedings initiated thereafter, which according to the Petitioner clearly in violation of procedure contemplated under Section 14(4) of the Tamil Nadu Prohibition Act.

3. It is submitted by the learned Additional Public Prosecutor of the Respondents that they shall issue a fresh notice and thereafter, proceed in accordance with law.



4. Recording the same, the impugned order, dated 10.10.2022 is set aside with liberty to the Respondents to issue fresh notice and thereafter to proceed in accordance with law in terms of Section 14(4) of the Tamil Nadu Prohibition Act. The vehicle shall be restored to the Petitioner by way of interim custody. The writ petition stands disposed of on the above terms. No costs.

25.11.2022

Index : Yes / No
Internet : Yes/ No
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MOHAMMED SHAFFIQ, J.

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