



W.P.No.1001 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

W.P.No.1001 of 2023

and

W.M.P.Nos.984, 988 & 989 of 2023

Senthilnathan

... Petitioner

Vs.

1. The Additional Superintendent of Police,
Head Office, Salem,
Salem District.

2. The Inspector of Police,
Vazhapadi Police Station,
Salem District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India pleased to issue Writ of Mandamus to call for records from the respondent of their proceeding order No.Na.Ka.No.237/Koo.Ka/Tha/Pa.Mu/Se/2022 dated 15.08.2022 and quash the same consequently directing the respondent to hand over the Ashok Leyland Lorry bearing register No.TN 30 E 0312 to the petitioner.

For Petitioner : Mr.T.Ganesan

For Respondents :Mr.S.Santhosh,
Government Advocate (crl.side)



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ORDER

This Writ Petition has been filed to call for records from the respondent of their proceeding order No.Na.Ka.No.237/Koo.Ka/Tha/Pa.Mu/Se/2022 dated 15.08.2022 and quash the same consequently directing the respondent to hand over the Ashok Leyland Lorry bearing register No.TN 30 E 0312 to the petitioner.

2. The learned counsel for the petitioner submitted that the petitioner's vehicle bearing Reg.No.TN 30 E 0312 ASHOK LEYLAND was seized in Crime No. 338 of 2022 for the offence under Sections 4(1)(i) and 4(1)(a) of Tamil Nadu Prohibition Act on the file of the Vazhapadi Police Station. This vehicle was ordered to be confiscated to the Government under Section 14(4) of TNP Act in by the 1st respondent/Additional Superintendent of Police, Salem District in its proceedings in Na.Ka.No.237/Koo.Ka/Tha/Pa.Mu/Se/2022 dated 08.07.2022. Challenging the said proceedings, this petition is filed.



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3.The learned Government Advocate (Crl. Side) opposes the petition

on the ground that Show Cause Notice was sent to the petitioner on 16.07.2022.

Despite receiving Show Cause Notice, petitioner had not responded to it, resulting in confiscation of the vehicle.

4. Considered the rival submissions. It is seen from the order of the District Munsif- Cum-Judicial Magistrate, Vazhapadi on 25.08.2022 that Show Cause Notice was issued to the petitioner under Section 14 (4) of TNP Act seeking reply from the petitioner as to why the vehicle bearing Reg. No. TN 30 E 0312 ASHOK LEYLAND should not be confiscated. However, it is seen from the order that even after completion of 15 days from the date of receipt of Show cause notice, no response/ reply was given by the petitioner resulting in confiscation of the vehicle.

5. Considering the fact that the order confiscating the vehicle was passed not on merits but for the reason that no reply was given, in Na.Ka.No.237/Koo.Ka/ Tha/Pa.Mu/Se/2022 dated 08.07.2022 is set-aside with a direction to the petitioner to file his reply within a period of 15 days from the date of receipt of copy of this order. On such filing of the reply, the first



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respondent is directed to pass orders on merits within a period of thirty days from the date on which, the reply was filed.

5. With the above observations and directions, this Writ Petition is disposed of. Consequently, Connected miscellaneous petitions are closed.

12.01.2023

Internet: Yes/No
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To

1. The Commissioner of Police,
Annathanapatty, Line Medu,
Salem District.
2. The Inspector of Police,
Sooramangalam Police Station,
Salem -5
3. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.

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