



WEB COPY



W.P.No.20488 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2023

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.20488 of 2023

and

W.M.P.No.19882 of 2023

P.Sivasubramaniyan
S/o.Pakkirisamy

... Petitioner

-Vs-

1.The State of Tamil Nadu
represented by
Deputy Superintendent of Police,
Prohibition & Excise Wing,
Cuddalore District.

2.The State of Tamil Nadu
represented by the
Inspector of Police,
Neyveli Thermal Police Station,
Neyveli - 607 803, Cuddalore District.
Ref: Crime No.381 of 2022

...Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to issue a Writ of Certiorarified Mandamus calling for the records
in the impugned order in Na.Ka.No.30/Kaa.Thu.Ka/Ma.Aa.P/ Cuddalore
District/23 passed by first respondent dated 23.04.2023 and quash the
same and direct the first respondent to communicate the written
confiscation order for the petitioner's vehicle bearing Registration No.TN-
31-CB-9668.



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For Petitioner : Mr.V.Rajesh Babu

For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

This writ petition has been filed challenging the proceedings of the first respondent dated 23.04.2023 and for a direction to the first respondent to communicate the confiscation order that has been passed with respect to the vehicle bearing Registration No.TN-31-CB-9668.

2. When the matter came up for admission on 12.07.2023, this Court passed the following order:

"Mr.A.Damodaran, learned Additional Public Prosecutor takes notice on behalf of the respondents. The main grievance that has been expressed by the learned counsel for the petitioner is that even without passing confiscation order, the first respondent is proceeding further to bring the vehicle for auction.

2. The learned Additional Public Prosecutor seeks time to get instructions in this case.

3. Post this case on 14.07.2023."

3. When the matter was taken up for hearing, learned Additional Public Prosecutor submitted that confiscation proceedings have been



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initiated and pursuant to the same, the impugned proceedings dated 23.04.2023 came to be issued by bringing the vehicle for auction.

Learned Additional Public Prosecutor was not able to produce any confiscation order before this Court.

4. Section 14 of the Tamil Nadu Prohibition Act, 1937, specifically provides the procedure to be adopted for ordering confiscation. It is clear from the said provision that a confiscation order has to be passed by following the procedure and only thereafter, the question of bringing the vehicle for auction will arise. Mere initiation of confiscation proceedings will not entitle the official respondents to bring the vehicle for auction. Hence, the procedure that has been followed by the first respondent is not in accordance with the Tamil Nadu Prohibition Act, 1937 and hence, it requires the interference of this Court.

5. In the light of the above, the impugned order in Na.Ka.No.30/Kaa.Thu.Ka/Ma.Aa.P/Cuddalore District/23 passed by first respondent dated 23.04.2023 is hereby quashed. There shall be a direction to the first respondent to conduct the confiscation proceedings in accordance with the procedure prescribed u/s.14 of the Tamil Nadu



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N.ANAND VENKATESH, J.

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Prohibition Act, 1937 and based on the result, further course of action can be taken.

This Writ Petition is allowed in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

14.07.2023

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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To

1. The Deputy Superintendent of Police,
Prohibition & Excise Wing,
Cuddalore District.

2. The Inspector of Police,
Neyveli Thermal Police Station,
Neyveli - 607 803, Cuddalore District.
Ref: Crime No.381 of 2022

3. The Public Prosecutor,
Madras High Court.

Crl.O.P.No.20488 of 2023