



W.P. (MD) No. 708 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU

W.P. (MD) No. 708 of 2023

G.Karuppasamy

... Petitioner

Vs.

1. Deputy Superintendent of Police,
Prohibiton Wing, Thoothukudi District.

2. The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi.
(Cr.No. 319/2022).

...Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the show cause notice issued by the 1st respondent in Na.Ka.No. 36/P.M./T.KA.K/M.V.A Section/TD/2022 in 19.12.2022 and quash the same as illegal and consequently direct the 2nd respondent to release the petitioner vehicle bearing Reg. No. TN 96 E 1530.

For Petitioner : Mr.G.Thiruvarutselvan

For Respondents : Ms.M.Aasha
Government Advocate (Crl.Side)



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ORDER

Heard Mr. G.Thiruvartselvan, Learned Counsel for the Petitioner and Ms. M.Aasha, Learned Government Advocate (Crl.Side) for the Respondents and perused the materials placed on record apart from the pleadings of the parties.

2. The Writ Petition challenges Notice in Na. Ka. No. 36/Pa. Mu/Thu.Kaa.Ka/Ma.Vi.A.Pirivu/Thudi/2022 dated 19.12.2022 calling upon the Petitioner to show cause as to why the Motor Cycle in which he had illicitly transported liquor should not be confiscated and for consequential direction to return the said vehicle to him.

3. It has been brought to notice by Learned Government Advocate (Criminal Side) appearing for the Respondents that a case in Crime No. 319 of 2022 dated 16.11.2022 has been filed against the Petitioner under Sections 4(1) (a) 4(1) (i) and 14-A of the Tamil Nadu Prohibition Act, 1937 and copy



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of the First Information Report has been sent to the Judicial Magistrate, Villathikulam. In that backdrop, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioner to file necessary application for return of property under Sections 451 and 457 of the Code of Criminal Procedure, 1973, for return of property before the jurisdictional Criminal Court and he has made an endorsement to that effect in the court record.

In view of the same, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

11.01.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes/No

PKN

Note: (i) Issue order copy by 30.01.2023.

(ii) Registry is directed to return the original copy of the impugned orders under written acknowledgment after retaining a copy of the same for record.



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To

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1. Deputy Superintendent of Police,
Prohibiton Wing, Thoothukudi District.
2. The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi.



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P.D.AUDIKESAVALU,J.

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11.01.2023