



W.P. (MD) No. 3998 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 3998 of 2023

Paradesi

... Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Commissioner of Police,
O/o. Commissioner of Police,
Azhagarkovil Main Road,
K.Pudur, Madurai-625002.

3.The Deputy Commissioner,
Prohibition Enforcement Wing (PEW),
2nd Floor, O/o. Commissioner of Police,
Azhagarkovil Main Road,
K.Pudur, Madurai-625002.

4.The Inspector of Police,
PEW-Madurai City Police Station,
Thirupparangundram Road,
Madurai-625001.

... Respondents

(R3 is suo-motu substituted vide order of this Court dated 28.02.2023.)



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PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, directing the 4th respondent herein to release the petitioner's vehicle of Hero Honda Glamour bearing registration No. TN 58 W 8154 based on his representation dated 20.02.2023.

For Petitioner : Mr. K.Bairavan
For Respondents : Mr. D.Gandhiraj (R1)
Special Government Pleader

Ms. M.Aasha (R2 to R4)
Government Advocate (Crl.Side)

ORDER

Heard Mr. K.Bairavan, Learned Counsel for the Petitioner, Mr. D.Gandhiraj, Learned Special Government Pleader, who takes notice for the First Respondent and Ms. M.Aasha, Learned Government Advocate (Crl.Side), who takes notice for the Second to Fourth Respondents and perused the materials placed on record apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the Respondents to release the vehicle of the Petitioner bearing registration no. TN 58 W 8154, which has been seized by the Fourth Respondent.



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3. It is represented by the Learned Government Advocate (Criminal Side) appearing for the Second to Fourth Respondents that the description of the Third Respondent has been wrongly mentioned as “Special Officer” instead of “Deputy Commissioner” in the cause-title and suo motu amendment is made to that effect.

5. It has been brought to notice by Learned Government Advocate (Criminal Side) appearing for the Second to Fourth Respondents that a case in Crime No. 9 of 2023 has been registered on 06.01.2023 against the Petitioner under Sections 4(1)(a) of the Tamil Nadu Prohibition Act, 1937, and copy of the First Information Report has been sent to the Judicial Magistrate No.IV, Madurai. 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 she has filed a memo to that effect, which has been placed on record.



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In view of the same, the Writ Petition is dismissed as withdrawn with
the above clarification. No costs.

28.02.2023

NCC : Yes/No

Index : Yes/No

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Note:- Issue order copy by 02.03.2023.



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P.D.AUDIKESAVALU,J.

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