



W.P. (MD) No. 4240 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2023

C O R A M

**THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU**

W.P. (MD) No. 4240 of 2023

Ramanathan

... Petitioner

Vs.

- 1.The Superintendent of Police,  
Ramanathapuram District,  
Ramanathapuram.
- 2.The Additional Superintendent of Police,  
Prohibition Enforcement Wing,  
Ramanathapuram District,  
Ramanathapuram.
- 3.The Inspector of Police,  
Mandala Manickam Police Station,  
Ramanathapuram District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, directing the respondents to release the petitioner's bike TVS XL Super bearing Reg. No.TN-67-AE-3144 seized on 09.02.2023 pertaining to Crime No.7 of 2023 on the file of the third respondent to the petitioner, based on the petitioner's representation dated 18.02.2023.

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For Petitioner : Mr. G.Sarath Kumar  
For Respondents : Ms. M.Asha  
Government Advocate (Crl.Side)

### ORDER

Heard Mr. G.Sarath Kumar, Learned Counsel for the Petitioner and Ms. M.Aasha, Learned Government Advocate (Criminal Side), who takes notice for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. This Writ Petition has been filed directing the Respondents to release the vehicle of the Petitioner bearing Registration No.TN-67-AE-3144 which has been seized by the Third Respondent.

3. It has been brought to notice by Learned Government Advocate (Criminal Side) appearing for the Respondents that a case in Crime No. 7 of 2023 has been registered on 09.02.2023 against Ramanathan, under Sections 4(1)(a) of the Tamil Nadu Prohibition Act, 1937, in which the said vehicle claimed by the Petitioner is involved and copy of the First Information



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Report has been sent to the Judicial Magistrate, Kamuthi. 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.

In view of the same, the Writ Petition is dismissed as withdrawn with the above clarifications.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

**01.03.2023**

Index : Yes/No

Internet : Yes/No

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**Note: Issue order copy by 06.03.2023.**

To:

1. The Superintendent of Police,  
Ramanathapuram District,  
Ramanathapuram.

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2. The Additional Superintendent of Police,  
Prohibition Enforcement Wing,  
Ramanathapuram District,  
Ramanathapuram.

3. The Inspector of Police,  
Mandala Manickam Police Station,  
Ramanathapuram District.

Copy to

The Judicial Magistrate,  
Kamuthi.



WEB COPY



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**P.D.AUDIKESAVALU,J.**

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01.03.2023