



W.P.(MD) No.6652 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2023

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.6652 of 2023

Rajapandian

... Petitioner

/vs./

**1.The Deputy Superintendent of Police,
Prohibition Enforcement Wing,
Karur, Karur District.**

**2.The Inspector of Police,
Prohibition Enforcement Wing,
Karur, Karur District.
Crime No.318 of 2023**

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider petitioner representation dated 18.03.2023 immediately and release the petitioner Maruthi Suzuki Omni bearing Reg Number TN-63-AV- 8707 seized on 20.02.2023 in pertaining to the case in Crime Number 318 of 2023 on the file of the 2nd respondent herein and hand over to the petitioner.



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For Petitioner : Mr.B.Santhanam Rajesh Kumar

For Respondents : Mr.T.Amjadkhan
Government Advocate

ORDER

The writ petitioner has approached this Court seeking the issue of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 18.03.2023 to release the petitioner's Maruthi Suzuki Omni bearing Reg Number TN-63-AV- 8707 seized on 20.02.2023 in pertaining to the case in Crime Number 318 of 2023 on the file of the second respondent and to hand over the same to the petitioner.

2.The facts briefly stated are as follows:-

3.The petitioner claims to be the owner of the vehicle bearing Reg.No.TN 63 AV 8707, Maruthi Suzuki Omni. He had entrusted the vehicle to one Karuppusamy on 18.02.2023 and it appears that on 20.02.2023, while Karuppusamy was on the wheels, the vehicle was stopped and during the search, it was found that he was illegally transporting 90 bottles of Brandy each consisting 180 ml. The seizure was made near the TASMACH shop. The second



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respondent had registered a case against the said Karuppusamy and the petitioner's vehicle was seized on the very same day.

4.The petitioner would submit that the confiscating proceeding is pending before the first respondent and Karuppusamy is facing criminal action. Since the petitioner was not involved in the crime, he had, vide his representation dated 18.03.2023, requested for the release of the vehicle. However, no action has been taken in this regard and therefore, he has come forward with the above writ petition.

5.The respondents would fairly admit that the preliminary investigation has been completed and the vehicle is yet to be confiscated. It is also admitted that the petitioner is not involved in the said crime.

6.Considering the above, this Court directs the second respondent to release the car bearing Reg.No.TN 63 AV 8707 belonging to the petitioner subject to the following conditions:-



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a) the petitioner shall execute a bond for a sum of Rs.20,000/- in favour of the first respondent within a period of two weeks from the date of receipt of a copy of this order along with an unconditional undertaking that he shall produce the vehicle as and when required till the completion of the confiscation proceedings; and

b) the petitioner shall extend all cooperation for the enquiry to be conducted by the respondents;

7.With the above directions, the Writ Petition is disposed of. However, there shall be no order as to costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

29.03.2023

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To

1.The Deputy Superintendent of Police,
Prohibition Enforcement Wing,
Karur, Karur District.

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2.The Inspector of Police,
Prohibition Enforcement Wing,
Karur, Karur District.



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P.T.ASHA, J.

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