



W.P.(MD) No.13448 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.13448 of 2023

Manikandan

.. Petitioner

Vs.

1.The Additional Superintendent of Police,
(Prohibition Enforcement Wing),
Sivagangai District, Sivagangai.

2.The Inspector of Police,
Chettinadu Taluk Police Station,
Sivagangai District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to release the petitioner's two-wheeler (YAMAHA RAY ZR) bearing Registration No.TN-55-BK-1814, seized by the second respondent police, by considering the petitioner's representation dated on 31.05.2023 within a time stipulated by this Court.

For Petitioner : Mr.T.Veerakumar

For Respondents : Mr.J.John Rajadurai
Government Advocate



W.P.(MD) No.13448 of 2023

WEB COPY

ORDER

The petitioner seeks to issue mandamus for the return of his vehicle Yamaha Ray ZR two wheeler bearing Registration No. TN-55-BK-1814 by considering his representation dated 31.05.2023.

2. It is the case of the petitioner that he is the owner of the aforesaid vehicle and on 14.05.2023, his neighbour one Chandran has borrowed his vehicle stating that he wanted to go to the shop. At around 03.00 p.m., the petitioner came to learn that the vehicle was intercepted and a false case was filed for an alleged offence under the Tamil Nadu Prohibition Act making it clear that the petitioner's vehicle was involved in transporting contraband liquor and a sum of Rs.5,560/- as also the bike were seized.

3. The petitioner would submit that his vehicle was never involved in any crime and the vehicle has been falsely implicated. Although the vehicle was seized on 14.05.2023, the police has not released the same to date and the petitioner has been approaching the second respondent to release the vehicle, which is kept in the open space exposed to hot sun



W.P.(MD) No.13448 of 2023

and rain. This would cause damage to the vehicle and would bring down its value. Therefore, the petitioner sent a written representation on 31.05.2023, to which also there is no response. Hence, the petition.

4. Heard the learned counsel on either side.

5. It is informed that the case is still only in FIR stage and a charge sheet is yet to be filed. The inspection of the vehicle and other preliminary enquiry have been completed. Therefore, taking into consideration the above facts, this Writ Petition is allowed. The respondents are directed to handover the vehicle bearing Registration No.TN-55-BK-1814 to the petitioner within a period of two weeks from the date of receipt of a copy of this order. It is made clear that till the charge sheet is framed, the petitioner cannot alienate the vehicle and shall continue to be in possession and ownership of the same. No costs.

19.06.2023

NCC : Yes/No
Index : Yes/No
abr



WEB COPY



W.P.(MD) No.13448 of 2023

P.T.ASHA, J.

abr

To

- 1.The Additional Superintendent of Police,
(Prohibition Enforcement Wing),
Sivagangai District, Sivagangai.
- 2.The Inspector of Police,
Chettinadu Taluk Police Station,
Sivagangai District.

W.P.(MD) No.13448 of 2023

Dated: 19.06.2023