



W.P.(MD) No.14151 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.14151 of 2023

Kanthikumari

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai, Madurai City.

2.The Deputy Commissioner of Police,
Prohibition Enforcement Wing,
Madurai City.

3.The Inspector of Police,
Thilagar Thidal Police Station,
Madurai City.

... 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 Suzuki Access vehicle bearing registration No.TN 64 P 0988 which was seized by the third respondent police within the tims stipulated by this Court.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.A.Sivanupandian
Government Advocate



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ORDER

The petitioner has filed this writ petition for mandamus directing the respondent to release her Suzuki Access vehicle bearing registration No.TN-64-P-0988, which has been seized by the third respondent on the allegation that the vehicle was involved in illegal transportation of 96 liquor bottles. The third respondent has registered a case in respect of the above.

2. The petitioner would submit that although the vehicle has been seized on 17.10.2022, to-date no case has been initiated nor no notice served on her. She had therefore filed a petition before the Judicial Magistrate No.II, Madurai, for release of the vehicle. The said petition was returned by the learned Judicial Magistrate on 28.04.2023 stating that no First Information Report has been produced before the Court. Immediately, the petitioner had sent a representation dated 22.05.2023 calling upon the second respondent to release the vehicle. However, no action has been taken and therefore, the petitioner is before this Court.



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3. Heard the learned counsel appearing on either side.

4. The vehicle has been seized on the allegation that 96 bottles of liquor have been illegally transported in this vehicle. The third respondent has submitted that the case in Crime No.668 of 2022 has been registered. However, from the return made by the learned Judicial Magistrate No.II, Madurai, it is clear that to-date no case been filed. Not even the FIR has been sent to the learned Judicial Magistrate. In these circumstances, there is no justification for the respondents to continue to retain the vehicle. Hence, this Writ Petition is allowed and the respondents are directed to return the petitioner's Suzuki Access vehicle bearing registration No.TN-64-P-0988 within a period of two weeks from the date of receipt of a copy of this order.

16.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
cp



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To

- 1.The Commissioner of Police,
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P.T.ASHA, J.

cp

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