



W.P.(MD).No.19452 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 11.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.19452 of 2023

Ganesan

... Petitioner

Vs.

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

2.The Inspector of Police,
Thiruppanandhal Police Station,
Thanjavur District,
(Crime No.288 of 2023).

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to release the petitioner's bike by branding name "Passion Pro" bearing Registration No. TN 68- W1614, pending disposal of the confiscation proceedings of the first respondent in connection with FIR Crime No.288 of 2023 on the file of the second respondent.

For Petitioner : Mr.S.Sathyachidambaram

For Respondents : Mr.K.Sanjai Gandhi,
Government Advocate (Criminal Side).



W.P.(MD).No.19452 of 2023

WEB COPY

ORDER

This Writ Petition is filed for Mandamus, directing the first respondent to release the petitioner's bike by branding name “Passion Pro” bearing Registration No. TN 68- W1614, pending disposal of the confiscation proceedings of the first respondent in connection with FIR Crime No.288 of 2023 on the file of the second respondent.

2. The petitioner claims to be the owner of the vehicle, branding name “Passion Pro”, bearing Registration No. TN 68- W1614. It appears that on 02.06.2023, the said vehicle was seized by the second respondent alleging that the petitioner along with others carrying 47 bottles of Brandy each consisting of 180 ml. The second respondent had registered a case in Crime No.288 of 2023 for the alleged offences under Sections 294(b), 353, 4(1)(a), 4(1)(k), 4(1)(i) and 24 of the Tamil Nadu Prohibition Act.

3. The contention of the petitioner is that the first respondent has issued show cause notice to initiate the confiscating proceeding. In pursuance thereof, the petitioner also submitted his reply to the first respondent on



W.P.(MD).No.19452 of 2023

05.07.2023 and again send reply through post on 19.07.2023. Since no action was taken, the petitioner constrained to file Writ Petition in W.P.(MD).No. 17718 of 2023 and the official respondents gave assurance to release the vehicle by orally instructed the petitioner to withdraw the writ petition. Subsequently, the petitioner withdrawn the aforesaid Writ Petition. But still, no steps were taken to release the petitioner's vehicle. Since the petitioner was not involved in the crime, he had requested the respondents for the release of vehicle. However, no action has been taken in this regard and therefore, he has come forward with the above writ petition.

4. The respondents would fairly admit that the preliminary investigation has been completed and the vehicle is yet to be confiscated.

5. Considering the above, this Court directs the second respondent to release the vehicle bearing Reg.No. TN 68- W1614 belonging to the petitioner subject to the following conditions:-

a) the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) in favour of the first respondent within a period of two (2) weeks from the date of receipt of a copy of this order along with an



W.P.(MD).No.19452 of 2023

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;

6. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

11.08.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

Note: Issue Order Copy on 17.08.2023.



W.P.(MD).No.19452 of 2023

To

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W.P.(MD).No.19452 of 2023

S.SRIMATHY, J.

Nsr

W.P.(MD).No.19452 of 2023

11.08.2023