



W.P.(MD).No.21978 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.21978 of 2023

Chinnamari

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Prohibition and Excise Wing (PEW),
Ramanathapuram District,
Ramanathapuram.

2.The Inspector or Police,
Mandalamanickam Police Station,
Ramanathapuram District.
(In Crime No.29 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 of petitioner's vehicle by brand namely "Passion Pro" bearing Registration No. TN 67 AJ 1965 pending disposal of the confiscation proceedings of the first respondent Police Station in connection with FIR in Crime No. 29 of 2023 on the file of the second respondent.



WEB COPY



W.P.(MD).No.21978 of 2023

For Petitioner : Mr.A.Balaji

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

ORDER

This Writ Petition is filed for Mandamus, directing the first respondent to release the petitioner's vehicle by branding name “Passion Pro” bearing Registration No. TN 67 AJ 1965, pending disposal of the confiscation proceedings of the first respondent in connection with FIR Crime No.29 of 2023 on the file of the second respondent.

2. The petitioner claims to be the owner of the vehicle bearing Registration No. TN 67 AJ 1965. It appears that the said vehicle was seized by the second respondent alleging that the petitioner's son was carrying 28 quarter bottles. The second respondent had registered a case in Crime No.29 of 2023 on 28.06.2023 for the alleged offences under Sections 4(1)(a), 4(1)(i) of the Tamil Nadu Prohibition Act.



W.P.(MD).No.21978 of 2023

3. The contention of the petitioner is that the first respondent has initiated the confiscating proceeding on 09.07.2023 and the petitioner had received the said confiscation proceeding only on 30.08.2023 and hence he had submitted his reply to the first respondent only on 02.09.2023. Since the petitioner's son 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 67 AJ 1965 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 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;



W.P.(MD).No.21978 of 2023

WEB COPY

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

11.09.2023

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

Sml/Nsr

Note: Issue Order Copy on 13.09.2023.

To

1.The Deputy Superintendent of Police,
Prohibition and Excise Wing (PEW),
Ramanathapuram District,
Ramanathapuram.

2.The Inspector or Police,
Mandalamanickam Police Station,
Ramanathapuram District.



WEB COPY



W.P.(MD).No.21978 of 2023

S.SRIMATHY, J.

Sml/Nsr

W.P.(MD).No.21978 of 2023

11.09.2023