



WEB COPY



W.P.(MD)No.22166 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2023

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THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P.(MD)No.22166 of 2023

M.Balasubramanian

... Petitioner

vs.

1. The Additional Superintendent of Police [PEW],
Karur District,
Karur.
2. The Deputy Superintendent of Police,
PEW, Kulithalai,
Karur District.
- 3 The Inspector of Police
Prohibition and Excise Wing (PEW),
Kulithalai,
Karur District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent to release the petitioner's TVS XL two wheeler bearing registration No.TN 49 BW 3477 seized by the 3rd respondent on 06.07.2023 based on the petitioner's representation, dated 12.08.2023.

For Petitioner : Mr.M.Karunanithi

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

ORDER

This writ petition is filed for Writ of Mandamus, to direct the respondents to release the petitioner Two Wheeler Vehicle bearing Reg.No.TN 49 BW 3477 which was seized by the 3rd respondent on 06.07.2023 in pursuance to the registration of case in Crime No.378 of 2023, on the file of the 3rd respondent forthwith in accordance with law by considering the representation, dated 12.08.2023.



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2. The petitioner claims to be the owner of the vehicle bearing Reg.No.TN 49 BW 3477, TVS XL Two Wheeler. The 3rd respondent seized his vehicle alleging that his vehicle involved in the illegal transportation of Liquor bottles without having any valid licence and permit. The third respondent had registered a case in Crime No.378 of 2023 for the alleged offences under Section 4(1)(a) r/w 4(1-A) of Tamil Nadu Prohibition Act, on 06.07.2023 and the petitioner's vehicle was seized on the very same day.

3. The petitioner would submit that the confiscating proceeding is pending before the first respondent and the petitioner 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.



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4. 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.

5. Considering the above, this Court directs the third respondent to release the vehicle TVS XL Two wheeler bearing Reg.No. TN-49-BW-3477 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;



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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.

Index : Yes / No

12.09.2023

Internet : Yes

NCC : Yes / No

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To

1. The Additional Superintendent of Police [PEW],
Karur District,
Karur.
2. The Deputy Superintendent of Police,
PEW, Kulithalai, Karur District.
3. The Inspector of Police
Prohibition and Excise Wing (PEW),
Kulithalai,
Karur District.



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