



WEB COPY



W.P.No.26759 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2024

CORAM

THE HON'BLE **Dr.JUSTICE G.JAYACHANDRAN**

W.P.No.26759 of 2024
and
W.M.P.No.29260 of 2024

Kuppusamy

... Petitioner

Vs.

1.The Additional Superintendent of Police,
The Prohibition Enforcement Division,
Dharmapuri,
Dharmapuri District.

2.The Sub Inspector of Police,
Kambainallur Police Station,
Dharmapuri District.
Crime No.133 of 2024

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the 1st respondent in C.No.178/CONF/ADSP/PEW/DPI/2024 dated 02.07.2024 and to quash the same and to direct the respondents to return the petitioner KIA car bearing No.KA 01 MZ 4066 to the petitioner.



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For Petitioner : Mr.M.Jaikumar

For Respondents : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)

ORDER

Car of the petitioner bearing registration No.KA 01 MZ 4066 (KIA) was seized by the respondent police for involvement in transport of 52 bottles of Karnataka liquor, one Singaravel, occupant of the car was arrested. Proceedings for confiscation of the vehicle initiated by the respondent police and show cause notice was issued to the petitioner on 13.06.2024 indicating why the car should not be confiscated and put to auction as per Section 14(4) of the Tamil Nadu Prohibition Act.

2. The petitioner herein had not responded to the show cause notice and therefore, order of confiscation been passed on 02.07.2024. The petitioner herein in this Writ Petition states that on receipt of the show cause notice, he contacted his relative Singaravel from whom he entrusted the car. The said Singaravel promised to take care of the enquiry, therefore, he kept quite. Later, he came to know that unless and



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until to deposit Rs.12 lakhs car will not be released. He gave a representation to the respondent on 26.08.2024 stating that he is innocent person and the car been entrusted to his relative to travel and not for transporting liquor illegally. However, his representation not been considered.

3. This Court finds that when the show cause notice issued to the petitioner on 13.06.2024 to give explanation why action should not be taken under Section 14(4) of the Prohibition Act, the petitioner failed to respond. Only after passing of impugned order dated 02.07.2024, he has given a representation to the respondent police. Only saving fact in this matter is till now the vehicle not put to auction though confiscation. Therefore, the petitioner shall make a fresh representation to the respondent within 7 days from today. The said representation shall be considered as replied to the show cause notice dated 13.06.2024 and thereafter, order to be passed in accordance with law.



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Dr.G.JAYACHANDRAN, J.

rpl

4. With the above observation, this Writ Petition is disposed of.

Consequently, the connected Miscellaneous Petition is closed. No costs.

12.09.2024

rpl

To

1.The Additional Superintendent of Police,
The Prohibition Enforcement Division,
Dharmapuri,
Dharmapuri District.

2.The Sub Inspector of Police,
Kambainallur Police Station,
Dharmapuri District.

3.The Public Prosecutor,
High Court of Madras,
Chennai

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