



W.P.(MD) No.9347 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.9347 of 2024

A.Kannan

... Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Thirumangalam Sub Division,
Madurai District.

3.The Superintendent of Police,
Madurai District.

4.The Sub Inspector of Police,
Kallikudi Police Station,
Madurai District.
(Crime No.52 of 2024)

5.The Regional Transport Officer,
Madurai South.

6.The Deputy Superintendent of Police,
Prohibition Enforcement Wing,
Madurai.

... Respondents

[R5 & R6 *suo motu* impleaded *vide*
order dated 16.04.2024]



W.P.(MD) No.9347 of 2024

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the first and second respondents to instruct the third and fourth respondents to release the petitioner's vehicle Maruti ALTO bearing registration No.TN 20 BU 4422 on the basis of the representation dated 14.03.2024 within the time stipulated by this Court.

For Petitioner : Ms.B.Muthumari
For R1 & R2 : Mr.S.P.Maharajan
Special Government Pleader
For R3 & R4 : Mr.S.Manikandan
Government Advocate (Crl. Side)

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the first and second respondents to instruct the third and fourth respondents to release the petitioner's vehicle namely, Maruti ALTO bearing Registration No.TN 20 BU 4422, based on the petitioner's representation dated 14.03.2024.

2. The admitted facts of the case are that on 13.03.2024, at about 04.30 p.m., the petitioner was carrying 35 number of liquor bottles each containing 180 ml liquor [Black Pearl Brandy Bottles – 22, Express



W.P.(MD) No.9347 of 2024

Brandy Bottles – 5, Honey Day Brandy Bottles – 2 and Mens Club Brandy Bottles – 6], in Maruti ALTO bearing Registration No.TN 20 BU 4422, contrary to the restrictions contained in the Tamil Nadu Prohibition Act, 1937 and Rules made thereunder.

3. Under these circumstances, when the vehicle was on the move, the fourth respondent Sub Inspector of Police, Kallikudi Police Station intercepted the vehicle. The fourth respondent, after confirming with the illegal possession of liquor beyond the quantity, seized the vehicle and the liquor bottles from the petitioner. An FIR in Crime No.52 of 2024 has also been registered by the fourth respondent Sub Inspector of Police, Kallikudi Police Station, Madurai District on 13.03.2024 against the petitioner for the offence punishable under Section 4(1)(a) of the Tamil Nadu Prohibition Act. The allegation against the petitioner is that the petitioner was in possession of the aforesaid quantity of liquor contrary to the restrictions contained in the Tamil Nadu Prohibition Act, 1937 for resale at a profit.

4. After this Writ Petition was listed for admission on 16.04.2024, the fifth and sixth respondents were *suo motu* ordered to be impleaded.



W.P.(MD) No.9347 of 2024

WEB COPY

5. The learned Government Advocate (Crl. Side) for the third and fourth respondents would submit that the subject vehicle was not standing in the name of the petitioner but in the name of one Vijay and therefore, there is no justification in filing of this Writ Petition as the petitioner is not the owner of the vehicle.

6. That apart, the learned Government Advocate (Crl. Side) for the third and fourth respondents would submit that the fourth respondent Sub Inspector of Police has also recommended the Deputy Superintendent of Police, Prohibition Enforcement Wing for institution of confiscation proceedings against the petitioner under Section 14-A of the Tamil Nadu Prohibition Act, 1937. It is therefore submitted that the request of the petitioner cannot be considered.

7. I have considered the arguments advanced by the learned counsel for the petitioner, the learned Special Government Pleader for the first and second respondents and the learned Government Advocate (Crl. Side) for the third and fourth respondents.



W.P.(MD) No.9347 of 2024

8. No doubt, the petitioner has *prima facie* violated the provisions of the Tamil Nadu Prohibition Act, 1937 by possessing liquor beyond the quantity that is allowed under the provisions of the said Act and the vehicle is liable for confiscation under the provisions of the said Act. No useful purpose will be served by allowing the vehicle to be kept idle at the Police Station as it would depreciate its value.

9. Therefore, to balance the interest of the petitioner and the respondents, there shall be a direction to the respondents to release the vehicle subject to the petitioner depositing a sum of Rs.1,00,000/- as security with the Prohibition Department for the proposed confiscation proceedings against the petitioner. Subject to the petitioner depositing the aforesaid amount of Rs.1,00,000/-, the vehicle shall be released to the petitioner.

10. It is made clear that this order neither will preclude the respondents from prosecuting the petitioner for violation of the Tamil Nadu Prohibition Act, 1937 nor preclude the action for confiscation of the vehicle.



W.P.(MD) No.9347 of 2024

11. It is also made clear that the petitioner shall not alienate/transfer/alter the vehicle pending further orders of the Authority under the Tamil Nadu Prohibition Act, 1937.

12. This Writ Petition stands disposed of with the above observations. No costs.

26.04.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

JEN

Copy To:

- 1.The District Collector,
Madurai District.
- 2.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Thirumangalam Sub Division,
Madurai District.
- 3.The Superintendent of Police,
Madurai District.
- 4.The Sub Inspector of Police,
Kallikudi Police Station,
Madurai District.
- 5.The Regional Transport Officer,



W.P.(MD) No.9347 of 2024

Madurai South.

WEB COPY

6.The Deputy Superintendent of Police,
Prohibition Enforcement Wing,
Madurai.



WEB COPY



W.P.(MD) No.9347 of 2024

C.SARAVANAN, J.

JEN

W.P.(MD) No.9347 of 2024

26.04.2024