



W.P.(MD).No.11357 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.05.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.11357 of 2024

Seethalakshmi

... Petitioner

Vs

1. The Deputy Inspector General of Police (Drug Disposal Committee),
Tirunelveli Zone,
Tirunelveli District.

2. The Inspector of Police,
Othakadai Police Station,
Madurai District.
(Crime No. 250/2023)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to consider the petitioner's representation dated 19.03.2024 and to hand over the interim custody of the two wheeler (Bajaj Pulsar) bearing registration No.TN-59-CM-3326 and iphone 13 Apple - 128GB-BLUE-IMEI No. 355178 631539140 to the petitioner .

For Petitioner : Mr.A.Jayaramachandran

For R-1 and R-2 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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ORDER

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This Writ Petition is filed seeking a Writ of Mandamus, to direct the 1st respondent to consider the petitioner's representation dated 19.03.2024 and to hand over the interim custody of the two wheeler and iphone 13 to the petitioner .

2.The contention of the petitioner is that the petitioner had a filed an application under Section 457 and 451 of Cr.P.C before the Principal Special District Court (NDPS cases), Madurai, to return the vehicle and mobile phone. The said application was returned for the reasons stated under:

“Returned

- 1. As per order passed by our Hon'ble
Madurai Bench of Madras High Court in
Nahoorkani Vs State in Crl.RC.No.41 of 2019,
Dated 16.06.2023, How this petition is
maintainable.*
- 2. Correct provision of law to be stated?*
- 3. To be explain that the petitioner has no
Knowledge or convenience of petition
mentioned vehicle to commission of the
offence.”*

3. The Lower Court ought to have entertained the application and the same cannot be returned. Hence, the impugned returned order is quashed.



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The Principal Special District Court (NDPS cases), Madurai, is directed to take the application on file and shall pass orders on merits.

4. With the above said direction, this Writ Petition is allowed. No costs.

NCC : Yes/No

23.05.2024

Internet: Yes/No

Index: Yes/No

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To

1. The Deputy Inspector General of Police (Drug Disposal Committee),
Tirunelveli Zone,
Tirunelveli District.

2. The Inspector of Police,
Othakadai Police Station,
Madurai District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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ORDER IN
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