



W.P.(MD) No.12635 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.06.2024**

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.12635 of 2024

B.Saravanan

... Petitioner

Vs.

1.The Regional Transport Officer,
Madurai South,
Madurai.

2.The Assistant Commissioner,
Prohibition Enforcement Wing,
Madurai city.

3.The Inspector of Police,
Prohibition Enforcement Wing Police Station,
Madurai city.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the 3rd respondent to release the petitioner's Honda Dio two wheeler vehicle bearing Registration Number. TN 58 BE 8399 pending disposal of the confiscation proceedings of the 2nd respondent in connection with FIR in Crime No.297 of 2024 on the file of the 3rd respondent.



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For petitioner : Mr.B.Muneeswaran
For respondents : Mr.S.P.Maharajan
Special Government Pleader for R1
Mr.Veeranthiran
Government Advocate (Crl. Side) for R2 & R3

ORDER

This Writ Petition is disposed of at the time of admission after hearing the learned counsel for the petitioner, the learned Special Government Pleader for the firstrespondent and learned Government Advocate (Crl.Side) for the respondents 2 and 3.

2. The petitioner, who is a retired Havildar from Indian Army, has been found violating the provisions of the Tamil Nadu Prohibition Act, 1937. It is the first incident of the petitioner getting involved in carrying on liquor beyond the permitted capacity. An FIR came to be registered against the petitioner in Crime No.297 of 2024 on 20.03.2024 for carrying on 11 bottles of liquor, thus, attracting offences under Section 4(1)(a) and 14A of the Tamil Nadu Prohibition Act, 1937.

3. The petitioner was also involved in similar incident on 17.04.2024 wherein an FIR has been registered in Crime No.455 of 2024



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and a Car, which was involved, bearing Registration No.TN 58 BK 5383 was seized.

4. An order came to be passed by this Court on 30.04.2024 in W.P.(MD) No.10792 of 2024, wherein, the Court was allowed to release the vehicle by the third respondent herein, subject to the petitioner furnishing security for a sum of Rs.50,000/-.

5. In the present case, the two wheeler viz., Honda Dio, of the petitioner bearing Registration No.TN 58 BE 8399 has been involved, which has been seized. Since no useful purpose will be served in retaining the vehicle in the Police Station, the third respondent is directed to release the vehicle subject to the petitioner depositing a sum of Rs.10,000/- to the credit of the Crime No.297 of 2024 without prejudice the rights of the respondents herein to proceed against the petitioner in accordance with the provisions of the Tamil Nadu Prohibition Act, 1937.

6. Subject to the payment of the aforesaid deposit amount, the vehicle shall be released. It is made clear that in case the petitioner found indulging in similar activities, no such relief will be granted by this Court.



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This Writ Petition is disposed of, with above directions. No costs.

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Internet : Yes / No

apd

To

1.The Regional Transport Officer,
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WEB COPY **C.SARAVANAN, J.**

At the instance of the learned counsel for the petitioner, this case is listed today under the caption 'for being mentioned'.

2. The learned counsel for the petitioner would submit that the order dated 14.06.2024 passed in this Writ Petition does not mention the Court before which the amount was ordered to be deposited.

3. Therefore, the Registry is directed to substitute the word “**amount**” in the first line in paragraph 6 with the words “**a sum of Rs.10,000/- to the credit of Crime No.297 of 2024 before the jurisdictional Magistrate Court namely, Judicial Magistrate Court No.5, Madurai**” and issue fresh order copy to the parties.

18.07.2024

JEN

Issue Order Copy on 19.07.2024



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C.SARAVANAN, J.

JEN

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18.07.2024