



W.P.(MD) No.16245 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.16245 of 2024
and
W.M.P(MD)No.14121 of 2024

S.Surendrakumar

... Petitioner

Vs.

1.***

2.The Deputy Superintendent of Police,
Prohibition and Enforcement Wing,
Nagercoil,
Kanyakumari.

3.The Inspector of Police,
Colachel Police Station,
Kanyakumari.

... Respondents

(*** R1 is *suo motu* deleted vide order dated 19.07.2024 in
W.P(MD)No.16245 of 2024)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondents to pay a compensation of Rs.15,00,000/- to the petitioner for causing damage and diminishing the value of the car by keeping the petitioner's Hyundai-i-10 car, bearing registration No.75 M



W.P.(MD) No.16245 of 2024

WEB COPY

3949 in sunlight and rain in open space for more than one year after initiating of confiscation proceedings by disobeying the order of this Hon'ble Court in Crl.R.C.(MD)No.1090 of 2023, dated 05.10.2023 by which the 2nd respondent the concerned authorities directed to dispose the confiscation proceedings within a period of two weeks from the date of receipt of the order copy.

For petitioner : Mr.C.Sankar Prakash

For respondents : Mr.A.Albert James,
Government Advocate (Crl. Side) for R2 & R3

ORDER

Heard learned counsel for the petitioner and learned Government Advocate (Crl. Side) for the respondents 2 and 3.

2. This Writ Petition has been filed for the relief of directing the respondents to pay a compensation of Rs.15,00,000/- to the petitioner for causing damage and diminishing the value of the car by keeping the petitioner's Hyundai-i10 car, bearing registration No.TN 75 M 3949 in sunlight and rain in open space for more than one year after initiating of confiscation proceedings by disobeying the order of this Hon'ble Court in Crl.R.C.(MD)No.1090 of 2023, dated 05.10.2023 by which the 2nd respondent the concerned authorities directed to dispose the confiscation proceedings within a period of two weeks from the date



W.P.(MD) No.16245 of 2024

WEB COPY

of receipt of the order copy.

3. The petitioner has wrongly impleaded the Chief Secretary, Government of Tamil Nadu/the first respondent and has claimed for a relief, which the petitioner cannot seek for from this Writ Petition, merely because the CrI.R.C(MD)No.1090 of 2023 was partly allowed in favour of the petitioner by remitting the case back to the respondents to dispose of the proceedings within a period of two weeks from the date of receipt of a copy of the order *vide* order dated 05.10.2023.

4. In view of the above, the name of the Chief Secretary, Government of Tamil Nadu/the first respondent is *suo motu* deleted from the cause title.

5. A reading of the averments and the documents filed by the petitioner, indicates that the petitioner, is a Ex.Service man who intended to purchase liquor from the Canteen, facility given to the military personnel and Ex.military personnel.



W.P.(MD) No.16245 of 2024

WEB COPY

6. The case of the petitioner is that a false case was foisted against the petitioner by the Officers attached to the third respondent, taking advantage of the fact that the petitioner was reporting to them on day-to-day basis in connection with his employment as a Security personnel in the Temple, which is under jurisdiction of the third respondent.

7. This Court is not really concerned with the merits and demerits of the allegations levelled by against the petitioner. At the same time, it is noticed that the petitioner's vehicle was seized from the custody of the petitioner on 01.05.2023 for the alleged offences under Sections 294(b), 332, 506(2) of IPC read with Sections 14A and 4(1)(a) of the Tamil Nadu Prohibition Act, 1937. Whether the petitioner had indulged in the alleged crime is a subject matter is of investigation in FIR in Crime No.92 of 2023 dated 01.05.2023 before the Colachel Police Station, Kanyakumari District.

8. The retention of the petitioner's vehicle bearing registration No.TN 75 M 3949 (Hyundai i10) from the alleged date of commission of offence on 01.05.2023 is no longer warranted, as it would further devalue the vehicle on



W.P.(MD) No.16245 of 2024

account of its disuse. Its non use will deteriorate its value and render it unfit. Its value will further depreciate. In my view, no useful purpose will be served by detaining the vehicle.

9. Under these circumstances, this Writ Petition is disposed of by directing the petitioner to deposit Rs.35,000/- to the credit of the Crime No.92 of 2023 before the jurisdictional Judicial Magistrate namely, Judicial Magistrate, Eraniel. Subject to the petitioner complied with the above requirement, the vehicle shall be provisionally released. The confiscation proceedings, which has been initiated against the petitioner, is directed to be completed by the second respondent as ordered by this Court on 05.10.2023 in CrI.R.C.(MD)No.1090 of 2023.

10. It is made clear that the provisional release of the subject vehicle will be without prejudice to the rights of the respondents to proceed against the petitioner in the aforesaid proceedings.

11. It is made clear that the petitioner shall not transfer the name of the



W.P.(MD) No.16245 of 2024

WEB COPY

vehicle without permission of the second respondent.

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

Consequently, connected miscellaneous petition is closed.

Index : Yes / No

19.07.2024

Internet : Yes / No

apd

To

1.The Deputy Superintendent of Police,
Prohibition and Enforcement Wing,
Nagercoil,
Kanyakumari.

2.The Inspector of Police,
Colachel Police Station,
Kanyakumari.



WEB COPY



W.P.(MD) No.16245 of 2024

C.SARAVANAN, J.

apd

W.P.(MD) No.16245 of 2024

19.07.2024