



WP No. 22635 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2025

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

WP No. 22635 of 2023

AND

WMP NO. 22085 OF 2023, WMP NO. 22086 OF 2023

Manikandan
No. 163 , Kudiyana Theru,
Narthankudi, Kottaiyur,
Needamangalam Taluk, Thiruvarur
District.

Petitioner(s)

Vs

1. The Deputy Commissioner (Excise)
Assistant Commissioner (Excise) ,
Department of Prohibition and Excise ,
Thiruvarur, Thiruvarur District.

2.State Rep. By
The Station House Officer ,
Valangaiman Police Station,
Thiruvarur District.

3.Mr. Haridass
S/o. Subbareddy,
No. 2/21 , Ganga Nagar,



Maduravael, Chennai.

4.S.Purushothaman

S/o. Sadasivam,

No. 2562 Sri Bhavani Nagar,

Ambedkar Nagar, Chennai 42.

Respondent(s)

Prayer: Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned sale certificate issued by 2nd respondent dated 24.03.2023 in favour of 3rd respondent, quash the same as illegal and consequently direct 1st and 2nd respondents to hand over vehicle bearing Registration No. TN-07-CH-4866 Maruthi Suzuki Swift Dizer- Tour diesel BS IV to petitioner and pass.

For Petitioner(s): Mr.I.Arockia Selvaraj

For Respondent(s): Mr.K.M.D.Muhilan
Government Advocate For R1
and R2
R3 and R4-Not ready in notice

ORDER

Challenging the sale certificate issued by 2nd respondent dated 24.03.2023 in favour of 3rd respondent and consequential direction to the 1st and 2nd respondents to hand over vehicle bearing Registration No. TN-07-CH-



4866 Maruthi Suzuki Swift Dizer- Tour diesel BS IV to petitioner, the present

Writ Petition has been filed.

WEB COPY

2. The learned counsel for the petitioner submitted that he is the owner of the vehicle bearing Registration No.TN-07-CH-4866, and he was falsely implicated and arrayed as accused in Crime No.289 of 2022 on the file of 2nd respondent and the 2nd Respondent police seized the above said vehicle on 01.05.2022 at Alangudi-Needamangalam Road, and kept the vehicle in the Police station without any use. Therefore, the petitioner moved a petition for return of the said vehicle in Crl.M.P 320 of 2022 before the District Munsiff cum Judicial Magistrate, Valangaiman. However, the same was dismissed on 19.07.2022, without considering the facts and circumstances of the case.

2.1. Challenging the dismissal of Crl.M.P.No.320 of 2022, the petitioner preferred a revision petition before this Court in Crl.R.C.No. 1250 of 2022 and this Court dismissed the revision petition on 01.09.2022, directing the respondent police to complete the confiscation proceedings within a period of



WEB COPY

two months from the date of receipt the order copy. But the respondent police did not complete the confiscation proceedings. Again the petitioner filed another Petition on 01.11.2022 and the same was dismissed by the District Munsiff cum Judicial Magistrate, Valangaiman on 13.03.2023 in CrI.MP.No.683/2022 on the ground that the petitioner did not produce any documents to prove his ownership of the car.

3. It is submitted that the petitioner has purchased the aforesaid car from the then owner i.e., the fourth respondent and the petitioner obtained loan and hypothecated the same with Cholamandalam Investment and Finance Company Ltd and he is regularly paying the EMI to the financier, and the same was disclosed through documents before the District Munsiff cum Judicial Magistrate, Valangaiman and the original car owner also not disputed the same. However, without considering the same, the trial Court dismissed the CrI M.P No 683/2022 on 13.03.2023. Since the vehicle was seized, the petitioner lost his income and his livelihood also affected without the aforesaid car. The petitioner also filed several petitions before the Court below and the 2nd respondent stated before the Court that the aforesaid vehicle was sold out through auction.



Challenging the same, the petitioner had filed the present Petition.

WEB COPY

4. Mr.K.M.D.Muhilan, learned Government Advocate appearing for the respondents 1 and 2 submitted that the aforesaid vehicle was involved in the alleged occurrence and the case was registered in Crime No.289 of 2022 on the file of 2nd respondent under Section 4(1)(aaa) of TNP Act and Transport Act. In pursuant thereto, the aforesaid vehicle was seized and confiscation proceedings were already initiated. Thereafter, after following the procedure contemplated under the Act, the aforesaid vehicle was sold out through public auction by the first respondent-Department of Prohibition and Excise. Further, the third respondent had purchased the aforesaid vehicle and sale certificate was also issued in favour of the third respondent.

5. Heard both sides and perused the materials available on record.



WEB COPY

6. Considering the above submissions made by the learned counsel on either sides and upon perusal of the sale certificate dated 24.03.2023 issued in favour of the third respondent, this Court finds that the aforesaid vehicle was involved in alleged offence and the 2nd respondent police seized the vehicle and later on sold the same through the public auction. Hence, this Court does not find any illegality in the impugned sale certificate or act of the respondent-police.

7. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

27-02-2025

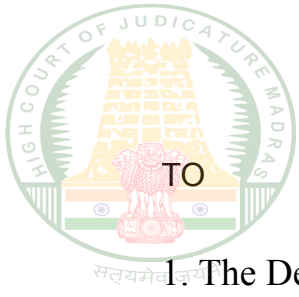
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

jd



WP No. 22635 of 2023



WEB COPY

1. The Deputy Commissioner (Excise)

Assistant Commissioner (Excise) , Department of Prohibition And Excise ,
Thiruvarur, Thiruvarur District.

2.State Rep. By

The Station House Officer , Valangaiman Police Station, Thiruvarur District.

3. The Public Prosecutor,

Madras High Court, Chennai.



WEB COPY

WP No. 22635 of 2023



G.K.ILANTHIRAIYAN J.
jd

WP No. 22635 of 2023

27-02-2025