



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

WP NO. 32665 of 2023

DATED: 20-02-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

WP NO. 32665 of 2023 &

WMP.No.32265 of 2023

P.Kaliraj
S/o.Periyambalai, D.No.2/2793, M.G.R. Nagar,
Pallapatti, Sivakasi, Virudhunagar District.

Petitioner(s)

Vs

1. The District Collector,
Krishnagiri District
2. The Superintendent of Police,
Prohibition of Eradication wing (PEW),
Krishnagiri District.
3. The Deputy Superintendent of Police
Prohibition of Eradication Wing (PEW),
Hosur, Krishnagiri District.
4. The Additional Deputy Superintendent
of Police,
Prohibition of Eradication Wing (PEW),
Hosur, Krishnagiri District.
5. The Inspector of Police,
Prohibition of Eradication Wing (PEW),
Hosur, Krishnagiri District.
6. The Sub Inspector of Police,
Hudco Police Station,
Hosur, Krishnagiri District.

... Respondent(s)



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Prayer: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Certiorarified Mandamus to call for the proceedings of the 3rd respondent in C.No.270 /CONF/ DSP/ PEW/ KGI/2023 dated 10.10.2023 against the petitioner and quash the same as illegal, arbitrary, vindictive, without jurisdiction and contrary to the principles of natural justice and consequently direct the respondents to releae the petitioner's Eicher Pro 2100 HSD vehicle bearing Regn.No.TN-95 H-0493 within a period stipulated by this Court.

For Petitioner(s) : R.Sundar

For Respondent(s): P.Balathandayutham Spl.G.P. for R1
K.M.D.Muhilan Government Advocate
Criminal Side for R2 to R6

ORDER

This writ petition has been filed challenging the proceedings of the 3rd respondent dated 10.10.2023 against the petitioner and for consequential direction to the respondents to release the petitioner's Eicher Pro 2100 HSD vehicle bearing Regn.No.TN-95 H-0493 within a period stipulated by this Court.

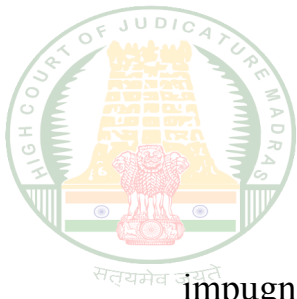
2. The petitioner is the owner of the vehicle bearing Reg. No.TN-95 H-0493. On inspection, the driver of the petitioner's vehicle was found in



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possession of Karnataka Liquor sachet without any valid permit, hence, he was arrested and the petitioner's vehicle was confiscated by the 6th respondent. Pursuant to which, a case has been registered against the driver of the vehicle for the offences under section 4(1)(a) r/w.4(1-A) TNP Act in Cr.No.253 of 2023. According to the petitioner, he hired his vehicle to the driver of the vehicle, but without the knowledge of the petitioner, the driver of the vehicle committed the above said offence, hence, the petitioner has nothing to do with the offence. The petitioner approached the respondents 3 to 6 for release of his vehicle by making several representations, but his vehicle was not released. The petitioner has also filed WP.No.25889 of 2023 before this court, in which, a direction was issued to the 3rd respondent herein to pass final orders in the confiscation proceedings within two weeks from the date of receipt of a copy of the order.

3. It is the case of the petitioner that aggrieved over the previous writ petition, by the order impugned, the Releasing Authority/3rd respondent came to a conclusion to auction the petitioner's vehicle and accordingly, the auction Committee fixed the value of vehicle at Rs.23,60,000/- and on payment of the said amount to Government by the petitioner, the vehicle will be released. The



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impugned order also calls for the petitioner to appear in person and give his explanation.

4. It is the grievance of the petitioner that while passing the impugned proceedings, the petitioner was not provided with an opportunity of personal hearing. Hence, the impugned order is arbitrary, injustice and utter violation of law.

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

6. Perusal of records would reveal that the petitioner's vehicle was confiscated by the respondent authorities for the offences alleged under sections 4(1)(a) r/w.4(1-A) TNP Act in Cr.No.253 of 2023. Perusal of impugned order reveals that on conducting investigation, the authority concerned found that the petitioner's vehicle was involved in the offence of TNP Act. On 04.08.2023, a show cause notice was issued to the petitioner as



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to why the petitioner's vehicle should not be seized by the government and for the said notice, the petitioner did not give any explanation. Thereafter, by the impugned proceedings of the 3rd respondent, the petitioner was informed that an amount of Rs.23,60,000/- (inclusive of 18% GST) was fixed as market value of the vehicle by the auction committee of the Government and before auctioning the vehicle, an opportunity is given to the petitioner to take back his vehicle on payment of the above said amount within a period of 15 days from the date of receipt of the copy of the order. This Court is of the view that the 3rd respondent has rightly passed the impugned order by granting an opportunity to the petitioner to take back his vehicle on payment of Rs.23,60,000/-, failing which, vehicle will be auctioned. Therefore, this court finds no infirmity or illegality in the impugned notice issued by the 3rd respondent. The Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

20-02-2025

Index:yes/no

Internet:yes/no

msr

Page 5 of 7



WEB COPY

To

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Krishnagiri District.
2. The Superintendent Of Police,
Prohibition Of Eradication Wing (pew), Krishnagiri District.
3. The Deputy Superintendent Of Police,
Prohibition Of Eradication Wing (pew), Hosur, Krishnagiri District.
4. The Additional Deputy Superintendent Of Police,
Prohibition Of Eradication Wing (pew), Hosur, Krishnagiri District.
5. The Inspector Of Police,
Prohibition Of Eradication Wing (pew), Hosur, Krishnagiri District.
6. The Sub Inspector Of Police
Hudco Police Station, Hosur, Krishnagiri District.
7. The Public Prosecutor, Madras High Court.



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G.K. ILANTHIRAIYAN, J.

msr

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