



W.P(MD)No.1241 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.09.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1241 of 2025
and
W.M.P.(MD)No.836 of 2025

B.Saravanan

... Petitioner

Vs.

- 1.The Assistant Commissioner of Police,
Headquarters, Madurai City.
- 2.The Inspector of Police,
Prohibition Enforcement Wing Police Station,
Madurai City

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned confiscation Order dated 13.12.2024 passed by the 1st respondent vide his proceedings in Na.Ka.No.Nil/DC/HQ/MC/ 2024 in connection with the FIR in Crime No. 297 of 2024 on the file of the 2nd Respondent and quash the same as illegal.



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For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.A.Albert James,
Govt. Advocate (Crl. Side).

ORDER

Heard both sides.

2.The writ petitioner is figuring as an accused in Crime No.297 of 2024 on the file of the second respondent. According to the respondents, the petition mentioned two wheeler was used for the occurrence. Therefore, confiscation proceedings were issued. Show cause notice was issued on 04.12.2024. The petitioner was given 15 days time to respond. The petitioner gave his response on 17.12.2024. In the meanwhile, the impugned confiscation order was passed on 13.12.2024. Even though the writ petitioner has appeal remedy before the Sessions Court, considering the fact that even before the expiry of the show cause period, the impugned confiscation order was passed, I quash the same. The respondents shall hand over interim custody of the vehicle to the petitioner herein immediately. It is open to the first respondent to pass an



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order afresh on merits and in accordance with law after issuing fresh notice to the writ petitioner.

3.The writ petition stands allowed accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

11.09.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

- 1.The Assistant Commissioner of Police,
Headquarters, Madurai City.
- 2.The Inspector of Police,
Prohibition Enforcement Wing Police Station,
Madurai City



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G.R.SWAMINATHAN, J.

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