



W.P.(MD)No.2059 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.01.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.2059 of 2025

Saroja

... Petitioner

/Vs./

1. The Deputy Superintendent Of Police,
Office of the Deputy Superintendent of Police,
Prohibition Enforcement Wing,
Tirunelveli.

2. The Inspector of Police,
PEW - Police Station,
Tirunelveli City,
Tirunelveli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to take necessary steps to release the petitioner's vehicle Mahindra EICHER bearing Registration No. TN-72-BU-2792 based on the petitioner's representation dated 06.01.2025 within a stipulated time in accordance with law.

For Petitioner : Mr.M.Prabu

For Respondents : Ms.M.Aasha

Govt. Advocate



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ORDER

This writ petition has been filed seeking for a direction to the respondents to take necessary steps to release the petitioner's vehicle Mahindra EICHER bearing Registration No. TN-72-BU-2792, based on the petitioner's representation dated 06.01.2025.

2. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The petitioner owned the vehicle namely, Mahindra EICHER bearing Registration No. TN-72-BU-2792 and the same was purchased by availing loan with the assistance of the private finance. Her husband was operating the vehicle for commercial purpose. While being so, one Maheshkumar had hired the vehicle and transported liquor bottles. Therefore, the second respondent arrested the said Maheshkumar on 07.12.2024 and registered an FIR in Crime No.408 of 2024 for the offences under Section 4(1)(A) and 14(A) of the TNP (Amendment) Act, 2024 @ 4(1)(A), 14(A), 4(1)(aaa) and 4(1-A)(ii) of TNP (Amendment) Act, 2024 r/w Sections 318(4), 336(3), 336(4) and 350 of BNS Act, as



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against five persons alleging that the said Maheshkumar along with others transported the liquor bottles ie., 10 boxes of Royal Grande Malt Whisky (180ml bottles) totally 480 bottles of the same illegally. In pursuant to the registration of the FIR, the vehicle was seized by the second respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is nothing to do with crime registered as against the said Maheshkumar and as such, the vehicle was hired by him. Without knowledge of the petitioner, the liquor bottles were transported in the vehicle illegally. Therefore, the petitioner submitted a representation to return the vehicle.

5. The learned counsel appearing for the respondents, on instructions submitted that there are 12 accused, in which the petitioner is also arrayed as 12th accused and her husband is arrayed as 5th accused. Though FIR has been registered as against the five accused initially, during investigation, FIR has been altered and other seven accused were also arrayed as accused.



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6. Admittedly, liquor bottles were illegally transported in the said vehicle. That apart, the confiscation proceedings was initiated to confiscate the petitioner's vehicle and the authority issued the show cause notice to the petitioner. Infact, the petitioner refused to receive the same and the same was affixed in the door of the petitioner's house in presence of the jurisdictional Village Administrative Officer. Therefore, the request made by the petitioner to return his vehicle cannot be granted. This writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition is dismissed. The first respondent is directed to complete the confiscation proceedings after giving an opportunity of hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. No costs.

24.01.2025

Index : Yes / No
NCC : Yes / No
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G.K.ILANTHIRAIYAN, J.

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Dated:
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