



W.P.(MD)No.5226 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5226 of 2025

N.Rajadurai

... Petitioner

-VS-

1.The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Pudukkottai District.

2.The Inspector of Police,
Manamelkudi Police Station,
Pudukkottai District.

3.The Inspector of Police,
G-5, Sethubavachattiram Police Station,
Peravurani Taluk, Pudukkottai District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the petitioner's two-wheeler "Honda Shine" bearing Registration Number TN-15-R-1670 to the petitioner forthwith, by considering the petitioner's reply cum representation, dated 13.01.2025.

For Petitioner : Ms.D.Geetha



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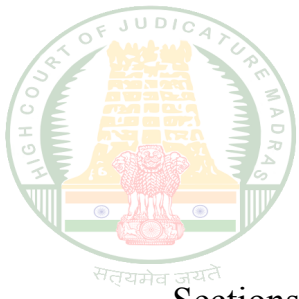
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For Respondents : Mr.K.Gnanasekaran
Government Advocate (Criminal side)

ORDER

The petitioner, with a grievance that his two wheeler bearing Reg.No.TN-15-R-1670, was seized by the second respondent on 16.03.2024 on the ground that his vehicle was used for commission of offences under Sections 4(1)(a), 4(1-A) and 4(1)(i) of the Tamil Nadu Prohibition Act, 1937 and Section 417 of I.P.C., has filed this writ petition for a Mandamus, directing the respondents to release his vehicle.

2. The learned counsel appearing for the petitioner submits that the petitioner is employed as a Gangman in the Tamil Nadu Electricity Board. On 24.11.2021, the petitioner parked his vehicle outside the office building. On the morning of 25.11.2021, when he went to retrieve his vehicle, he found it missing. Immediately, he filed a complaint with the second respondent Police; however, he was neither provided with a C.S.R. nor a formal complaint was registered. Subsequently, the petitioner received a show-cause notice from the first respondent, dated 07.12.2024, asking him to explain why his vehicle, which was allegedly involved in illicit liquor transportation in Crime No.64 of 2024 under



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Sections 4(1)(a), 4(1-A), and 4(1)(i) of the Tamil Nadu Prohibition Act, 1937 and Section 417 of the Indian Penal Code, should not be confiscated. The petitioner is an innocent person and he was not added as an accused in the said case. He further submits that the seized vehicle has not been produced before the concerned Judicial Magistrate so far and therefore, the petitioner is not in a position to file an application for return of vehicle. Therefore, the learned counsel seeks for release of the vehicle.

3. The learned Government Advocate (Criminal side), who takes notice for the respondents, submits that the petitioner's vehicle was used for illegal transportation of liquor bottles and therefore, the vehicle has been seized by the second respondent Police in Crime No.64 of 2024 for the offences under Sections 4(1)(a), 4(1-A), and 4(1)(i) of the Tamil Nadu Prohibition Act, 1937 and Section 417 of the Indian Penal Code. He further submits that the respondent Police has initiated action for confiscation of the vehicle, as per Section 14 of the Tamil Nadu Prohibition Act.



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4. This Court has considered the rival submissions made by the learned on counsel on either side.

5. In **Sunderbhai Ambalal Desai and others vs. State of Gujarat** reported in **(2002) 10 SCC 283**, the Hon'ble Supreme Court has observed that it is of no use to keep such seized vehicles at the Police Station for a long period. The claim of the petitioner is that he is the owner of the vehicle and he has not involved in the case in Crime No.64 of 2024 and the seized vehicle is the only source of income for his family.

6. Considering the fact that the petitioner's vehicle, which was seized in the month of March 2024, is kept idle without any usage and also considering the ratio laid down by the Hon'ble Supreme Court in **Sunderbhai Ambalal Desai and others vs. State of Gujarat** reported in **(2002) 10 SCC 283**, this writ petition is disposed of with the following directions:-

- (i) The petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) in favour of the first respondent.



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(ii) The petitioner shall file an undertaking affidavit that he would produce the vehicle as and when required by the respondents for enquiry.

(iii) The petitioner shall co-operate for the confiscation proceedings, if any, initiated by the respondents.

(iv) The petitioner shall not change or alter the condition of the vehicle and shall not alienate or encumber the vehicle till the proceedings are completed.

No costs.

NCC : Yes / No
Index : Yes / No
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To:-

- 1.The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Pudukkottai District.
- 2.The Inspector of Police,
Manamelkudi Police Station,
Pudukkottai District.



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VIVEK KUMAR SINGH, J.

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