

W.P.(MD)No.5653 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.5653 of 2025

and

W.M.P.(MD)Nos.4124 and 4125 of 2025

Prakash

... Petitioner

versus

The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, by challenging the impugned docket order passed by the learned District Munsif cum Judicial Magistrate No.I, Usilampatti by its order dated 15.05.2024 and quash the same as illegal and void and consequently, direct the respondent herein to release the petitioner's vehicle Ashok Leyland Bada Dost bearing Reg.No.TN57 BQ 8659 by considering the representation dated 07.02.2025 to the respondent within the time stipulated by this Court.



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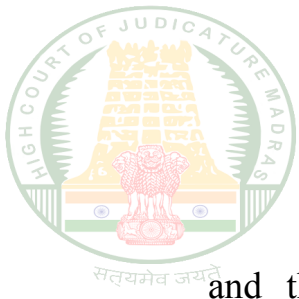
For Petitioners : Mr.S.Anandha Rajagopal

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

ORDER

The petitioner claims that he is the owner of the vehicle, namely, Ashok Leyland Bada Dost bearing Reg.No.TN57 BQ 8659. His vehicle has been seized by the respondent Police in connection with a case in Crime No. 84 of 2024 for the offences under Sections 8(C), r/w. 20(b)(ii)(C), 25 and 29(1) of NDPS Act, 1985. Therefore, he filed a petition for interim custody of the vehicle, before the learned District Munsif cum Judicial Magistrate No.I, Usilampatti. The said petition was rejected by referring an order of this Court in *Nagoorkani Vs. State rep. by the Inspector of Police, Puliyangudi Police Station in Crl.R.C..(MD)No.41 of 2019 dated 16.06.2023*. Challenging the same, the petitioner has filed this writ petition.

2. The learned counsel appearing for the petitioner submits that the petitioner is not an accused in Crime No.84 of 2024. However, the petitioner's vehicle has been seized by the respondent Police on 12.03.2024



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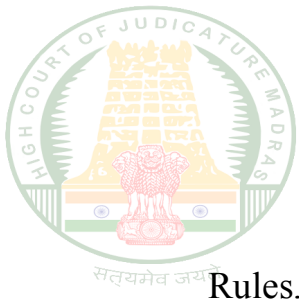
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and they have not produced the same before the concerned Judicial Magistrate. He further submits that the petitioner's livelihood is only depending upon the vehicle. He further submits that the vehicle is now kept in open place exposing to sun and rain. Therefore, the petitioner apprehends that the value of the vehicle would be deteriorated. Therefore, he seeks for interim custody of the vehicle.

3. The learned Additional Public Prosecutor submits that the petitioner's vehicle has been seized in connection with the case in Crime No. 84 of 2024 for the offences under Sections 8(C), r/w. 20(b)(ii)(C), 25 and 29(1) of NDPS Act, 1985 and therefore, it has to be disposed only by the Drug Disposal Committee constituted for this purpose.

4. This Court considered the rival submissions made.

5. This Court in ***R. Manimaran v. State [Crl.A.(MD) No.192 of 2024, dated 09.07.2025]***, held that once a special statute like the NDPS Act prescribes a complete mechanism for disposal of seized property, including vehicles, the general provisions of the CrPC, particularly Sections 451 and 457, cannot be invoked. Section 52A of the Act and the NDPS Disposal



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Rules, 2022 form a self-contained code, detailing the procedures to be followed for disposal of properties, including vehicles and any departure from that procedure would amount to dilution of the legislative scheme. If the vehicle has been seized under NDPS Act, necessarily, it has to be disposed only by the Drug Disposal Committee. Therefore, the petitioner shall workout his remedy before the Drug Disposal Committee.

6. In view of the said position, this Court is not inclined to interfere with the order dated 15.05.2024, passed by the learned District Munsif cum Judicial Magistrate No.I, Usilampatti.

7. The learned Additional Public Prosecutor submits that the Drug Disposal Committee has been constituted for every District and with regard to Usilampatti District, the Drug Disposal Committee is headed by Deputy Inspector General of Police, Madurai.

8. Therefore, this writ petition is closed with liberty to the petitioner to approach the Deputy Inspector General of Police, Madurai, the Chairman of the Drug Disposal Committee and file an application for return of vehicle. The Drug Disposal Committee is expected to take a decision on the



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petitioner's application within a period of six weeks from the date of application. No costs. Consequently, connected miscellaneous petitions are closed.

09.07.2025

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

1. The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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