



W.P.(MD)No.8631 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.8631 of 2025

and

W.M.P.(MD)No.6449 of 2025

S.Gowtham Maharaja

... Petitioner

-VS-

1.The District Collector / The District Prohibition Officer,
Tirunelveli District, Tirunelveli.

2.The Inspector of Police,
Prohibition Enforcement Wing,
Tirunelveli City.
(Crime No. 398 of 2024)

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the entire records related to the impugned order dated 22.03.2025 passed by the second respondent and quash the same.

For Petitioner : Mr.N.Pragalathan

For R1 : Mr.C.Venkatesh Kumar
Special Government Pleader

For R2 : Mr.K.Gnanasekaran
Government Advocate (Criminal side)



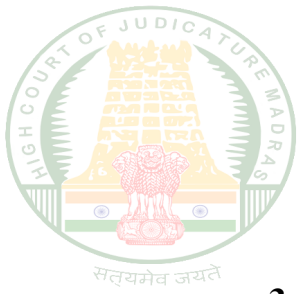
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ORDER

This writ petition is filed challenging the impugned order passed by the second respondent dated 22.03.2025.

2. The learned counsel appearing for the petitioner submits that the petitioner/A2 was arrested and remanded to judicial custody on 07.09.2024, in Crime No.398 of 2024, on the file of the second respondent, for an offence punishable under the Tamil Nadu Prohibition Act, 1937 and was released on 21.11.2024. Since his two cars were seized by the second respondent Police, he filed an application in CrI.M.P. No.15068 of 2024 before the Judicial Magistrate Court No.I, Tirunelveli, seeking release of the cars. The learned Judicial Magistrate No.I, Tirunelveli, passed an order dated 11.03.2025, directing the release of the petitioner's cars. However, the second respondent passed the impugned order dated 22.03.2025, stating that a public auction is scheduled to be held on 25.03.2025 and directed that the cars be handed over on or before 24.03.2025. Hence, the present writ petition has been filed.



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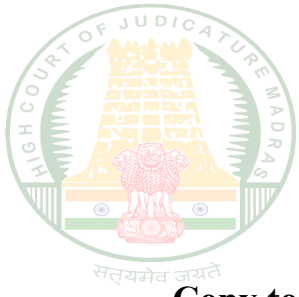
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3. Mr.K.Gnanasekaran, learned Government Advocate (Criminal side) appearing for the second respondent submits that the petitioner is having an appeal remedy before the Court of Sessions under Section 14(5) of the Tamil Nadu Prohibition Act, 1937. However, without invoking the appeal remedy, the petitioner has straightaway approached this Court.

4. Recording the submission made by the learned Government Advocate (Criminal side) that the petitioner is having an appeal remedy before the concerned Court of Sessions, under Section 14(5) of the Tamil Nadu Prohibition Act, 1937, this writ petition is disposed of with liberty to the petitioner to approach the concerned Court of Sessions and file an appeal. In the event, if any appeal is filed within a period of two weeks from the date of receipt of a copy of this order, the same shall be entertained by the concerned learned Sessions Judge without reference to the period of limitation and disposed of in accordance with law, within a period of four months thereafter. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
smn2

01.04.2025



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Copy to:-

The Principal District Judge,
Principal District Court,
Combined Court Building,
Tiruchendur Main Road,
Tirunelveli – 627 002.

To:-

- 1.The District Collector / The District Prohibition Officer,
Tirunelveli District, Tirunelveli.
- 2.The Inspector of Police,
Prohibition Enforcement Wing,
Tirunelveli City.



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VIVEK KUMAR SINGH, J.

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