



W.P.(MD)No.8790 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.8790 of 2025

and

W.M.P.(MD)No.6581 of 2025

Janakiraman

... Petitioner

-VS-

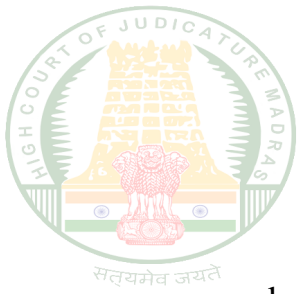
1.The State of Tamil Nadu,
Rep. by the Commissioner and Secretary,
Prohibition and Excise Department,
Fort St. George, Chennai 600 009.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Prohibition Enforcement Wing,
Virudhunagar.

3.The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar,
Virudhunagar District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned confiscation order vide Na.Ka.No. 36-4/Kaa.Thu.Ka/Ma.Ve.A.P/Ve.Maa/2024 dated 06.03.2025 issued by the



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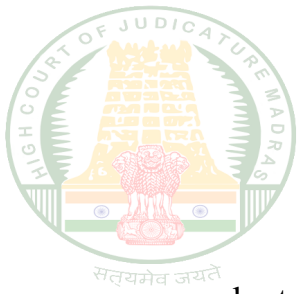
second respondent and quash the same and consequently, forbearing the respondents from continuing the confiscation proceeding in respect of the vehicle bearing Registration No.TN-29-CV-3394 (Model Name - EICHER PRO 2110 H HST - Goods Carrier) belongs to the petitioner till the disposal of case in Crime No.110/2024 on the file of the third respondent.

For Petitioner : Mr.D.Shanmugaraja Sethupathi
For R1 : Mr.J.K.Jayaselan
Government Advocate
For R2 and R3 : Mr.K.Gnanasekaran
Government Advocate (Criminal side)

ORDER

This writ petition is filed seeking to quash the impugned confiscation order passed by the second respondent dated 06.03.2025 and to forbear the respondents from continuing the confiscation proceeding in respect of the vehicle bearing Registration No.TN-29-CV-3394 (Model Name - EICHER PRO 2110 H HST - Goods Carrier) belongs to the petitioner, till the disposal of case in Crime No. 110/2024, on the file of the third respondent.

2. The learned counsel appearing for the petitioner submits that, alleging the petitioner's vehicle was involved in the transportation of banned tobacco



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products, the vehicle was seized and confiscated. Subsequently, the same was released subject to certain conditions. Thereafter, without due application of mind, the second respondent passed the impugned confiscation order without providing sufficient opportunity to the petitioner, which, according to the petitioner, is in violation of principles of natural justice. Therefore, the impugned order is liable to be set aside.

3. Mr.K.Gnanasekaran, learned Government Advocate (Criminal side) appearing for the respondents 2 and 3 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



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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

01.04.2025

Index : Yes / No

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Copy to:-

The Principal District Judge,
Combined Court Buildings,
Sivakasi Main Road,
Srivilliputhur - 626 125.

To:-

- 1.The Commissioner and Secretary to the Government of Tamil Nadu,
Prohibition and Excise Department,
Fort St. George, Chennai 600 009.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Prohibition Enforcement Wing,
Virudhunagar.
- 3.The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar,
Virudhunagar District.



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VIVEK KUMAR SINGH, J.

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