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W.P.Crl.No.383 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2026

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P.(Crl.)No.383 of 2026
and W.P.M.P.(Crl.) No.120 of 2026

P.Girija

... Petitioner

Vs.

1. The Assistant Commissioner of Police,
Prohibition Enforcement Wing East (Authority South),
St.Thomas Mount, Chennai – 600 016.

2. The Inspector of Police,
PEW Adyar Police Station,
Adyar, Chennai.

... Respondents

PRAYER: Writ Petition (Criminal) is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or direction in the nature of writ, to call for the records pertaining to the impugned order send by the first respondent in his proceedings in Na.Ka.No.02/Ka.U.Aa/Ma.Aa.Pe(te)/Confiscation/2026, dated 12.02.2026, quash the same was illegal and consequently, direct the respondents to release petitioner's vehicle namely VITARA BREEZA bearing registration No.TN 09 CW 8749 which was seized.

For Petitioner : Mr.J.William Shakesphere

For Respondents : Mr.S.Santhosh
Government Advocate (Criminal Side)



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ORDER

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The present Writ Petition (Criminal) has been filed seeking to set aside the order passed by the first respondent, vide proceedings dated 12.02.2026, in Na.Ka.No.02/Ka.U.Aa/Ma.Aa.Pe(te)/Confiscation/2026 and to direct the respondents to release petitioner's vehicle namely VITARA BREEZA bearing registration No.TN 09 CW 8749 which was seized in connection with Crime No.7 of 2026 registered for the offence under Section 4(1)(A) of the Tamil Nadu Prohibition (Amendment) Act.

2. Mr.S.Santhosh, learned Government Advocate (Criminal Side), takes notice on behalf of the respondents.

3. In view of the consent expressed by the learned counsel on either side, this Writ Petition (Criminal) is taken up for final disposal at the admission stage itself.

4. Learned Government Advocate (Criminal Side) submitted that the impugned order dated 12.02.2026 has been passed under Section 14(1) of the TN Prohibition Act, 1937, against which only an appeal lies to the Sessions Court having jurisdiction under Section 14(5) of the said Act. He, therefore, submitted that this Writ Petition challenging the impugned order is not maintainable.



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5. Heard both sides and perused the materials available on

6. In *Commissioner of Police, Egmore vs. R.Kothandapani*, reported in *1996 (2) CTC 436*, this Court has held that an order of confiscation of a vehicle, against which an appeal lies before the Sessions Court under Section 14(5), *ibid*, cannot be challenged by way of a writ petition and that such petition is not maintainable.

7. In view of the above, this Writ Petition (Criminal) stands dismissed. No costs. Consequently, connected miscellaneous petition is closed. The period taken for pursuing this case is excluded for the purpose of limitation.

25.02.2026

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Neutral Citation: Yes/No

Note: Registry is directed to return the original papers to the learned counsel for the petitioner forthwith, to enable him to prefer an appeal against the impugned order dated 12.02.2026.

To

1. The Assistant Commissioner of Police,
Prohibition Enforcement Wing East (Authority South),
St.Thomas Mount, Chennai – 600 016.
2. The Inspector of Police,
PEW Adyar Police Station,
Adyar, Chennai.
3. The Public Prosecutor, High Court of Madras.

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A.D.JAGADISH CHANDIRA, J.

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