

M.Senthilkumar Vs. the Additional Superintendent of Police and Another

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Court : Chennai

Decided On : Sep-21-2012

Judge : M. Jaichandren

Appeal No. : Writ Petition No.25688 of 2012 and M.P.No.1 of 2012

Appellant : M.Senthilkumar

Respondent : The Additional Superintendent of Police and Another

Advocate for Pet/Ap. : For the Petitioner: S.Kamadevan, Advocate. For the Respondents: R1 and R2, R.Ravichandran, Additional Government Pleader.

Judgement :

(This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records pertaining to the confiscation notice issued by the first respondent in Na.Ka.43/Koo.Kaa.Ka/MaViA/E/2012 dated 13.08.2012 relating to petitioner's Maruthi 800 car bearing Regn.No TN 22 AD 9213 and quash the same.)

Heard the learned counsel for the petitioner, as well as the learned Additional Government Pleader appearing on behalf of the respondents.

2. The present Writ Petition has been filed challenging the notice, dated 13.08.2012, issued by the first respondent, under Section 14(4) of the Tamil Nadu Prohibition Act, 1937, proposing to confiscate the vehicle, bearing Registration No.

TN 22 AD 9213, which is alleged to have been involved in the transporting of beer cans.

3. The learned counsel appearing for the petitioner had submitted that the petitioner may be directed to appear before the first respondent, on 01.10.2012. Thereafter, the first respondent may be directed to pass an appropriate order, as per law, pursuant to the notice, dated 13.08.2012, by following the procedures prescribed under Section 14(4) of the Tamil Nadu Prohibition Act, 1937.

4. The learned counsel appearing on behalf of the respondents has no objection for this Court directing the first respondent to pass such an order, as prayed for by the petitioner.

5. In view of the above, the petitioner is directed to appear before the first respondent, on 01.10.2012. Thereafter, the first respondent shall pass an order, pursuant to the notice, dated 13.08.2012, as per the procedures prescribed under Section 14(4) of the Tamil Nadu Prohibition Act, 1937, after giving an opportunity of hearing to the petitioner. The first respondent shall pass the order, as directed by this Court, within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, this Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

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