

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

WP(C).No. 34761 of 2015 (U)

PETITIONER :

**ABU THAHIR, AGED 27 YEARS,
S/O.MUHAMMED FAROOK, 38, OLD PALLIVASAL STREET,
ANNAMALAI, POLLACHI, TAMIL NADU.**

**BY ADVS.SRI.T.M.RAMAN KARTHA
SMT.SYAMA MOHAN**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE GOVT. DEPT.
OF FOOD AND CIVIL SUPPLIES,
GOVT. OF KERALA, THIRUVANANTHAPURAM, PIN: 695 001.**
- 2. DISTRICT COLLECTOR,
PALAKKAD, COLLECTORATE POST, PIN: 678 001.**
- 3. DISTRICT SUPPLY OFFICER,
COLLECTORATE, PALAKKAD, PIN: 678 001.**
- 4. TALUK SUPPLY OFFICER,
PALAKKAD, PIN: 678 101.**
- 5. SUB INSPECTOR OF POLICE,
TOWN SOUTH POLICE STATION, PALAKKAD, PIN: 678 014**
- 6. UNION OF INDIA,
REP. BY THE SECRETARY TO GOVT.,
MINISTRY OF CONSUMER AFFAIRS,
FOOD AND PUBLIC DISTRIBUTION,
DEPARTMENT OF CONSUMER AFFAIRS, KRISHI BHAVAN,
NEW DELHI, PIN: 110 001.**

**R1 TO R5 BY GOVERNMENT PLEADER SMT. C.K.SHERIN
R6 BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF TN 21 AY 3162
- P1(A): TRUE COPY OF THE NATIONAL PERMIT OF TN 21 AY 3162.
- P2: TRUE COPY OF THE INVOICE NO.31 DATED 26/10/2015 ISSUED BY M/S.IDEAL TRADING CONCERN, PALAKKAD
- P3: TRUE COPY OF THE MAHAZAR PREPARED BY THE 5TH RESPONDENT
- P4: TRUE COPY OF THE LETTER DATED 27/10/2015 ISSUED BY THE 5TH RESPONDENT
- P5: TRUE COPY OF THE MAHAZAR DATED 27/10/2015 PREPARED BY THE RESPONDENTS 3 AND 4
- P6: TRUE COPY OF THE REMOVAL OF (LICENSING REQUIREMENTS, STOCK LIMITS AND MOVEMENT RESTRICTIONS) ON SPECIFIED FOODS STUFFS ORDER, 2002.
- P7: TRUE COPY OF THE DETAILS OF THE CONTROL ORDERS ISSUED BY THE CENTRAL GOVERNMENT UNDER THE ESSENTIAL COMMODITIES ACT
- P8: TRUE COPY OF ORDER NO.S.O.3543(E) DT. 29/11/2013 ISSUED BY THE CENTRAL GOVERNMENT
- P9: TRUE COPY OF THE JUDGMENT IN WPC NO.29966/15 OF THE HON'BLE HIGH COURT OF KERALA DATED 1/10/2015.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 34761 of 2015

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Dated this the 18th day of November, 2015

J U D G M E N T

The petitioner's vehicle No. TN-21-AY-3162 has been seized as per Ext.P3 seizure mahazar. It is seen from Ext.P3 mahazar that the vehicle along with the rice has been seized alleging illegal transportation of rice.

2. Considering the facts and circumstances, this Court is of the view that the vehicle shall be released to the petitioner on executing a simple bond and proving satisfaction of ownership. However this will not stand in the way of conducting any enquiry and proceedings in accordance with the law.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE