

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.1706 of 2014 & M.P.No.1 of 2014

G.Mani

... Petitioner

Vs.

1. The District Revenue Officer
Tiruppur District, Tiruppur.

2. The Inspector of Police
CSCID, Tiruppur District
Tiruppur.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct the first respondent to release the petitioner's Tata Indica Car bearing Reg.No.KL 03 N 3930.

For Petitioner : Mr. R.Jayaprakash
For Respondents : Mrs.P.Rajalakshmi
Government Advocate

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.Heard Mr. R.Jayaprakash, learned Counsel appearing for the petitioner and Mrs.P.Rajalakshmi, learned Government Advocate appearing for the respondents.

3.The petitioner seeks for issuance of writ of mandamus to direct the first respondent to release the petitioner's Tata Indica Car bearing Reg.No.KL 03 N 3930.

4.According to the petitioner, in aforesaid vehicle he has transported rice for his personal use and not for any commercial purpose and it would not amount to illegal transportation of PDS rice and the vehicle is under the custody of the second respondent.

5.It is not known under what circumstances the petitioner was in possession of 120 kgs of PDS rice. Be that as it may, proceedings

have been initiated under section 6A of the Essential Commodities Act, notices have been issued to the petitioner and to his associate Rajan. However, they have not appeared for enquiry fixed on various dates viz. 27.12.2013, 31.01.2014, 21.02.2014 and 23.05.2014, before the Additional District Magistrate cum District Revenue Officer.

6.The learned counsel appearing for the petitioner submits that the petitioner is ready and willing to appear for the enquiry.

7.It is to be noted that the petitioner has not even given any explanation with regard to the proposed confiscation. Since the first respondent has already issued notice calling upon the petitioner to appear for an enquiry along with the Original Registration Certificate of the vehicle, the first respondent is directed to decide the matter by issuing a fresh notice calling upon the petitioner to appear on a particular date and on the date mentioned, the petitioner shall appear before the first respondent and produce the necessary documents including the Original Registration Certificate of the vehicle and if the first respondent is satisfied, he is directed to pass appropriate orders on merits and in accordance with law for the release of the vehicle, subject to other conditions to be imposed, within a period of two weeks from the date of conclusion of enquiry.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

rpa
To

1. The District Revenue Officer
Tiruppur District, Tiruppur.
2. The Inspector of Police
CSCID, Tiruppur District, Tiruppur.

+1cc to Mr.R.Jaya Prakash, Advocate, S.R.No.11525
+1cc to the Government Pleader, S.R.No.11568

W.P. No.1706 of 2014

KM(CO)
CA(11/03/2015)