

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.4043 of 2015

R.Venkatesan

... Petitioner

vs.

1.State of Tamil Nadu rep. By its
Ex-Officio Secretary to Government
Cooperation, Food & Consumer
Protection (J1) Department
Fort St. George, Chennai - 600 009

2. The District Revenue Officer
erstwhile Dharmapuri District
presently Krishnagiri District
Office of the Collectorate
Krishnagiri, Krishnagiri District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent herein to pay the market value of 96 Quintals of Rice out of 106 Quintals of rice seized on 07.12.1996 from the lorry bearing Registration No.TN55/1159 with interest from the date of the seizure till the date of disbursement pursuant to the orders passed by the 1st respondent in G.O.Ms.No.147 dated 15.04.2004.

For Petitioner : Mr.V.Balakrishnan

For Respondents : Mr.L.P.Shanmugha Sundaram
Special Government Pleader

ORDER

The petitioner seek for a direction upon the second respondent to pay the market value of 96 bags of rice out of 106 bags each weighing 100kgs, which has been seized on 07.12.1996 with interest from the date of seizure.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondent.

3. It is not in dispute that in respect of identical prayer, this Court in W.P.No.5182 of 2002 dated 14.03.2002 directed the authorities to pay the prevailing market value of the goods seized in the open market within the specified time. The said order reads as follows:

"The petitioner has approached this Court praying to issue a writ of mandamus directing the respondents to pay the market price of 351 MTS viz., 3935 bags of rice seized in Crime No.3 of 2000 by the second respondent at M/s.Ananthammal Kasi Rice Mill, Kovilpatti to the petitioner.

2. Based on the various averments made in the affidavit filed in support of the writ petition, this Court issued notice to the respondents on 21.02.2002. Pursuant to the said notice, the second respondent has filed a counter affidavit highlighting their stand.

3. Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents.

4. Even at the outset, it is brought to my notice that the issue raised in this writ petition is directly covered by the decision of mine reported in Lakshmi Rice Mills Vs. District Revenue Officer, Madurai (AIR 1998 Madras 22). In similar circumstances, after following the earlier order of D.Raju, J (as his Lordships then was) in W.P.Nos.12485 to 12488 of 1989 dated 25.02.1992, issued necessary direction for payment of value ascertained in terms of then prevailing market value of the goods seized in open market.

5. There is no dispute with regard to the application of the said decision for the case in hand. Accordingly, there shall be a direction to the respondents to pay the value ascertained in terms of then prevailing market value of the goods seized in open market within a period of eight weeks from the date of receipt of a copy of this order. The first respondent would fix the market value in the light of an enquiry to be conducted after giving notice to the petitioner to substantiate the value of the goods seized by sufficient materials in proof of the same.

6. The writ petition is allowed as indicated above. No costs."

4. The learned Special Government Pleader pointed out that the actual weight of the rice bags have to be verified and thereafter, the second respondent will comply with the direction issued by this Court in the earlier writ petition.

5. In the light of the above, a direction is issued to the second respondent to verify the weight of the rice bags and pay the value ascertained in terms of the then prevailing market value of the goods within a period of eight weeks from the date of receipt of a copy of this order. The second respondent shall fix the market value of the goods in the light of the enquiry to be conducted after giving notice to the petitioner to substantiate the value of the goods seized by producing document in proof of the same.

6. The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gpa

To

1.The Ex-Officio Secretary to Government
Cooperation, Food & Consumer
Protection (J1) Department
Fort St. George, Chennai - 600 009

2. The District Revenue Officer
erstwhile Dharmapuri District
presently Krishnagiri District
Office of the Collectorate
Krishnagiri, Krishnagiri District

+ 1 cc to M/s. V. Balakrishnan, Advocate SR.8299

W.P.No.4043 of 2015

CA(CO)
Eu 20.02.15

WEB COPY