

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 5.10.2015

CORAM:

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition Nos.14412 to 14417 of 2002

D.Vasudevaraju ..Petitioner in All WPs.

vs.

1.State of Tamil Nadu, rep. by
the Secretary to Government,
Home Dept., Fort St. George,
Chennai-9. ..R1 in All WPs.

2.The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri. ..2nd Respondent in WP.14412/02,
14414, 14417/2002

3 The Inspector of Police,
Uthangiri Police Station,
Dharmapuri Distirct. ...R2 in WP.14413/2002,
14415/2002, 14416/2002

3.M/s.Khoday India Ltd.,
Bangalore.

4.M/s.New Horizon Sugar Mills Ltd.,
rep. by its Director ..Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, declaring that the seizure of molasses from the vehicles transporting them bearing Regn.No.KA-21B 2233 (in WP.14412/2002,) TN.32-Y-9549 (in W.P.14413/2002), NL.2-A-2253 (in WP.14414/2002), TN. 32-Y-9959 (in WP.14415/02) Ka.01-B-5149 (in WP.14416/2002), Ka-01-C-4088 (in WP.14417/2002) respectively, as also the arrest of the persons involved in the said transportation as illegal, unconstitutional and ultra vires the provisions of the Tamil Nadu Prohibition Act, Tamil Nadu Molasses Control and Regulation Rules, 1958 and other relevant laws and direct the 2nd respondent herein not to in any manner interfere with the transportation of molasses being transported from one state to another through the State of Tamil Nadu.

For petitioner : Mr.Sathish Parasaran
For respondents : Mr.R.Ravichandran, AGP for
R1, R2

COMMON ORDER

Heard the learned counsels appearing on behalf of the parties concerned.

2. At this stage of the hearing of the Writ Petitions, the learned counsel appearing on behalf of the petitioner had submitted that this Court had an occasion to deal with a similar issue, in W.P.Nos.21609 to 21611 of 2002, wherein, in paragraph 14 of its order, dated 22.1.2013, it has held as follows:-

"... From the above provision, it is distinct and clear that if molasses is being transported in transit through the State of Tamil Nadu, the requirement of a licence or permit does not arise and therefore, the seizure by relying upon the said provision is bad. The entire exercise stems from a misconception that molasses even in transit will fall within the purview of Rule 4 of the Molasses Control and Regulation Rule 1958, which argument cannot be countenanced. Rule 4 of the Tamil Nadu Molasses Control Regulation, 1958 deals with only in relation to a licence or permit on the 4 contingencies referred to in Rule 4 and that is not attracted in the present case. Therefore, the seizure itself is bad and contrary to the above provision and the Molasses Control and Regulation Act, 1958."

3. The learned counsel appearing on behalf of the petitioner had further submitted that it would suffice, if the vehicles, bearing Registration Nos.KA-05-5016, KA-01C-4088, NL-02D-2253 and KA-21B-2233, are released forthwith, provided they had not been released, till date, following the earlier order passed by this Court, in W.P.Nos.21609 to 21611 of 2002, dated 22.1.2013.

4. The learned counsel appearing on behalf of the respondent-State has no objection for this Court passing such an order, as prayed for by the learned counsel appearing on behalf of the petitioner. The learned counsel had also submitted that the above mentioned vehicles, are, at present, under the custody of the learned Judicial Magistrate No.I, Krishnagiri, and therefore, it would be open to the petitioner to get the vehicles released, by filing an appropriate application before the said Court.

5. In view of the submissions made by the learned counsels appearing on behalf of the parties concerned and following the earlier order passed by this Court, in W.P.Nos.21609 to 21611 of 2002, dated 22.1.2013, the petitioner is permitted to get the vehicles, bearing Registration Nos.KA-05-5016, KA-01C-4088, NL-02D-2253 and KA-21B-2233, released, by filing the appropriate application before the jurisdiction Court concerned, if they had not been released, till date. The Writ Petitions are disposed of, with the above directions. No costs. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.State of Tamil Nadu, rep. by
the Secretary to Government,
Home Dept., Fort St. George,
Chennai-9.

2.The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri.

3 The Inspector of Police,
Uthangiri Police Station,
Dharmapuri Distirct.

+ 1 cc to the Government Pleader Sr.54211

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