

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.19033 of 2016
and
W.M.P.Nos.16579 & 16580 of 2016

Penchala Narasimha Kondeti

... Petitioner

Vs.

1.The District Revenue Officer,
Krishnagiri, Krishnagiri District.

2.The Inspector of Police,
Civil Supplies C.I.D.,
Krishnagiri, Krishnagiri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of certiorari calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.No.16797/2014/F6 dated 12.05.2015 and quash the same.

For Petitioner : Mr.E.Kannadasan

For Respondents: Mr.S.Pattabiraman,
Government Advocate

ORDER

The petitioner challenging the impugned order of confiscation dated 12.05.2015, preferred a statutory appeal before the Principal District Court, Krishnagiri and it was returned on the ground of maintainability. The petitioner apprehending confiscation and auction, has come forward to file this writ petition.

2. This Court, while entertaining this writ petition, has granted an order of interim stay on 07.06.2016 insofar as the sale of the vehicle through auction alone, till 28.06.2016.

3. The learned counsel appearing for the petitioner would submit that in the light of Section 6C of the Essential Commodities Act, the appeal is maintainable before the Principal District Court, Krishnagiri and it has been erroneously returned.

4. This Court heard the submission of Mr.S.Pattabiraman, learned Government Advocate who accepts notice on behalf of the respondents.

5. This Court, upon hearing the rival submissions and on consideration of the materials, is of the view that the appeal is maintainable before the Principal District Court, Krishnagiri under Section 6C of the Essential Commodities Act. Therefore, the petitioner is at liberty to re-present the appeal before the Principal District Court, Krishnagiri within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the learned Principal District Judge, Krishnagiri shall entertain the same, if the papers are other wise in order in the light of G.O.Ms.No.288, Co-operation, Food and /Consumer Protection (G1) Department dated 07.08.2001 and dispose of the appeal as expeditiously as possible, not later than four weeks from the date of numbering of the appeal and till then, the first respondent shall defer further proceedings insofar as the sale of the vehicle through auction alone.

The Writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

- 1.The District Revenue Officer,
Krishnagiri, Krishnagiri District.
- 2.The Inspector of Police,
Civil Supplies C.I.D.,
Krishnagiri, Krishnagiri District.
- 3.The Principal District Court,
Krishnagiri.

+1 cc to Mr.E.Kannadasan, Advocate,sr.36132

+1 cc to Govt.Pleader,sr.36342

ad(co)
krd 21/7

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