

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.5897 of 2016

V.J.James

.. Petitioner

Vs.

1.District Revenue Officer
Coimbatore

2.State by Inspector of Police
CSCID Pollachi
Crime No.115/2013

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the first respondent herein to dispose of the petitioner's representation dated 10.02.2015 thereby release the petitioner's vehicle/Mahindra Pickup Van bearing Registration Number TN43 Z 4667 in accordance with law.

For Petitioner : M/s.J.Franklin

For respondents : M/s.P.Rajalakshmi, Govt.Advocate.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come up with the present writ petition for issuance of writ of mandamus to direct the first respondent herein to dispose of the petitioner's representation dated 10.02.2015 thereby release the petitioner's vehicle/Mahindra Pickup Van bearing Registration Number TN43 Z 4667 in accordance with law.

3.The petitioner is the owner of the vehicle/Mahindra Pickup Van bearing Registration Number TN43 Z 4667. The petitioner used the vehicle for distribution of Tamil and Malayalam dailies in Gudalur and Pandalur Taluk. The driver and cleaner of the vehicle attempted to take ration rice in the vehicle without the knowledge of the petitioner. The respondent engaged in vehicle check up and intercepted the vehicle and found the said vehicle was loaded with 10bags each containing 35kgs of ration

rice meant for public distribution through ration shops and registered a case in Cr.No.115 of 2013, the first respondent after conducting enquiry passed an order dated 12.08.2013 in Na.Ka.No.1206/2013/Kee.5 directing the petitioner to pay a fine of Rs.2,00,000/- within 30days failing which the vehicle will be confiscated under Section 6(A)(1) of the Essential Commodities Act.

4.Challenging the order of the first respondent, the petitioner preferred an appeal before the Principal Sessions Judge, Coimbatore in CrI.A.No.135/2013. The said appeal was allowed on 05.01.2015 and the order of the first respondent was set aside and directed to refund the fine amount paid by the petitioner. Subsequent to the order dated 05.01.2015, the petitioner submitted his representation to the respondents on 10.02.2015 to release the vehicle. But till date the respondents failed to release the vehicle, hence the petitioner filed the present writ petition.

5.Heard the submissions of learned counsel appearing for the petitioner and the learned Government Advocate who accepts notice on behalf of the respondents.

6.Considering the facts and circumstances, this Court directs the first respondent to consider the representation of the petitioner dated 10.02.2015 and pass appropriate orders, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

7.The writ petition is disposed of accordingly. No costs.
tsh

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1.District Revenue Officer,
Coimbatore.

2.State by Inspector of Police,
CSCID Pollachi,
Crime No.115/2013.

+ 1 cc to Mr.J.Franklin, Advocate SR 10225
+ 1 cc to Govt.Pleader, SR 10537

jsv(co)
prk22/2

W.P.No.5897 of 2016.