

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2018

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.14144 of 2018

Annadurai

.. Petitioner

Vs

The District Revenue Officer,
Coimbatore,
Coimbatore District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondent to release the Bus bearing Registration No.KL-09-M-6886 seized by the Inspector of Police, Anaimalai Police Station, Anaimalai, Pollachi Taluk, Coimbatore District, on 21.05.2018 to the petitioner.

For petitioner :Mr.C.Prakasam

For Respondent :Mr.V.Jeyaprakash Narayanan, Spl.GP

O R D E R

By way of filing this writ petition, the petitioner seeks a direction to the respondent / the District Revenue Officer, Coimbatore, to release the Bus bearing Registration No.KL-09-M-6886 seized by the Inspector of Police, Anaimalai Police Station, Anaimalai, Pollachi Taluk, Coimbatore District on 21.05.2018.

2. When the matter is taken up, learned counsel for the petitioner placing reliance on Section 6-A(1) of the Essential Commodities Act, 1955, which is extracted below:-

"Section 6-A Confiscation of essential commodity:--- (1) Where any essential commodity is seized in pursuance of an order made under section 3 in relation thereto, a report of such seizure shall, without unreasonable delay, be made to the Collector of the district or the Presidency town in which such essential commodity is

seized and whether or not a prosecution is instituted for the contravention of such order, the Collector may, if he thinks it expedient so to do, direct the essential commodity so seized to be produced for inspection before him, and if he is satisfied that there has been a contravention of the order may order confiscation of

- (a) the essential commodity so seized;
- (b) any package, covering or receptacle in which such essential commodity is found; and
- (c) any animal, vehicle, vessel or other conveyance used in carrying such essential commodity:

Provided that without prejudice to any action which may be taken under any other provision of this Act, no foodgrains or edible oilseeds in pursuance of an order made under section 3 in relation thereto from a producer shall, if the seized foodgrains or edible oilseeds have been produced by him, be confiscated under this section:

Provided further that in the case of any animal, vehicle, vessel or other conveyance used for the carriage of goods or passengers for hire, the owner of such animal, vehicle, vessel or other conveyance shall be given an option to pay, in lieu of its confiscation, a fine not exceeding the market price at the date of seizure of the essential commodity sought to be carried by such animal, vehicle, vessel or other conveyance."

undertook to comply with the conditions adumbrated in Section 6-A(1) of the Act by paying a sum of Rs.2,50,000/- for release of the vehicle, pending enquiry. Mr.V.Jeyaprakash Narayanan, learned Special Government Pleader, accepting notice for the respondent, agrees with the said proposal of the petitioner.

3. The above said submission of the learned counsel for the petitioner is recorded. The petitioner is directed to approach the respondent along with a Demand Draft for a sum of Rs.2,50,000/- within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the

respondent shall release the vehicle forthwith, subject to certain conditions. It is made clear that if the petitioner succeeds in the enquiry, he is entitled to get back the said sum without interest. With this direction, the writ petition is disposed of. No Costs.

rkm

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

The District Revenue Officer,
Coimbatore,
Coimbatore District.

+2cc to Mr.C.Prakash, Advocate SR.No.44735, 45965

+1cc to Government Pleader SR.No.45348

sm:13.7.2018

W.P.No.14144 of 2018



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