

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2018

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

Writ Petition No.21853 of 2017

and

W.M.P.No.22856 of 2017

Kamepalli Seshagiri Rao

... Petitioner

vs.

1. The District Revenue Officer &
Additional District Magistrate,
Masterplan Complex, Collectorate
Tiruvallur - 602 001.
2. The District Supply and Consumer
Protection Officer, Collectorate,
Masterplan Complex,
Tiruvallur - 602 001.
3. The Inspector of Police,
Civil Supplies, CID, Food Cell,
Tamil Nadu Civil Supplies Corporation,
Near Srinikethan Vidyanilayam,
Tiruvallur - 602 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings dated 18.01.2016, passed in R.C.No.393/2013/S3, on the file of the first respondent, and to quash the same and direct the first respondent to communicate the order dated 12.01.2016, on his file, to the petitioner, relating to the confiscation of the Vehicle No.AP27 W 2975, Ashok Leyland Lorry, within such time as may be fixed by this Court.

For Petitioner : Mr.P.Raja

For Respondents: Mr.I.Sathish,
Additional Government Pleader

O R D E R

The petitioner is aggrieved against the proceedings dated 18.01.2016 of the first respondent. Consequently, the petitioner also seeks direction to the first respondent to

communicate the order dated 12.01.2016.

2. Heard Mr.P.Raja, learned counsel appearing for the petitioner and Mr.I.Sathish, learned Additional Government Pleader appearing for the respondents.

3. Through the impugned proceedings, the petitioner was called upon to pay a fine amount of Rs.2,25,000/- for transporting illicit public distribution system rice on 13.12.2012. It is also informed through the impugned order that the vehicle belonging to the petitioner will also be confiscated. It is stated that the impugned communication was issued only as a consequential proceedings to the order passed by the District Revenue Officer dated 12.01.2016 passed under Section 6(A) of Essential Commodities Act, 1955. Admittedly, as against the said order, the petitioner has a right of appeal.

4. The grievance of the petitioner is that no such order was communicated to him so far. Therefore, unless and until the petitioner succeeded in their attempt in challenging the said order passed under Section 6 (A) of Essential Commodities Act, 1955, the present challenge made before this Court against the demand of Rs.2,25,000/- being a fine amount, cannot be sustained.

5. Therefore, without expressing any view on the merits of the matter, this Writ Petition is disposed of by granting liberty to the petitioner to file such appeal before the concerned authority against the order dated 12.01.2016 passed by the District Revenue Officer, within a period of four weeks from the date of receipt of a copy of such order from the first respondent. The first respondent shall furnish such copy to the petitioner within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

gsi/vsi

To

1. The District Revenue Officer &
Additional District Magistrate,
Masterplan Complex, Collectorate
Tiruvallur - 602 001.

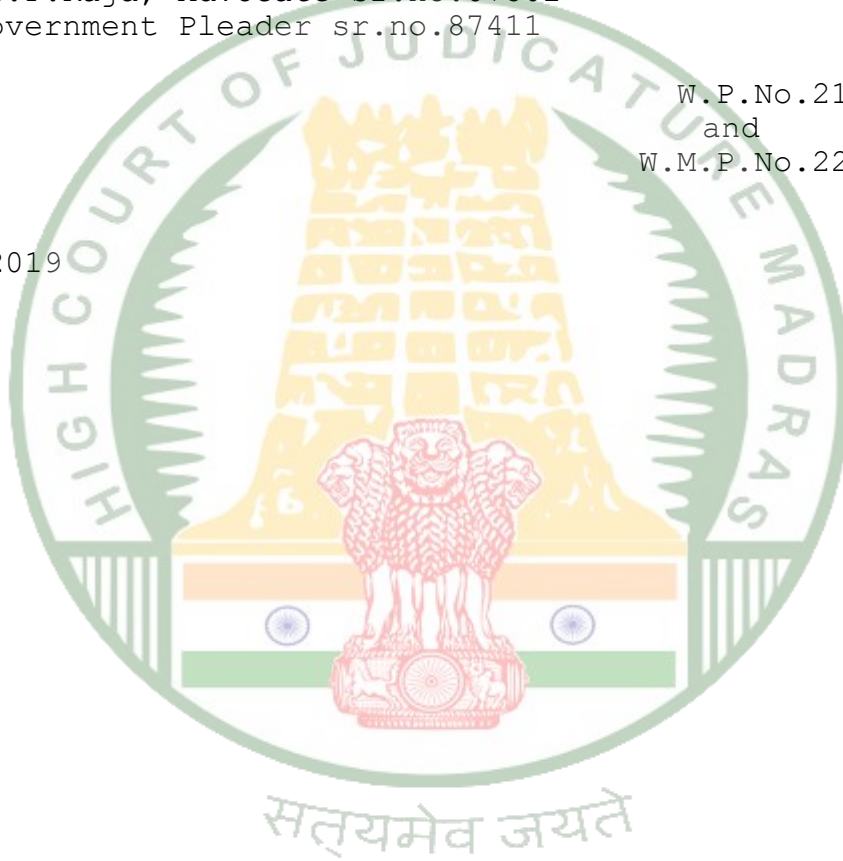
WEB COPY

2. The District Supply and Consumer
Protection Officer, Collectorate,
Masterplan Complex,
Tiruvallur - 602 001.
3. The Inspector of Police,
Civil Supplies, CID, Food Cell,
Tamil Nadu Civil Supplies Corporation,
Near Srinikethan Vidyanilayam,
Tiruvallur - 602 001.

+lcc to Mr.P.Raja, Advocate sr.no.87502
+lcc to Government Pleader sr.no.87411

W.P.No.21853 of 2017
and
W.M.P.No.22856 of 2017

gj-ii(co)
nr 09/01/2019



WEB COPY