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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.01.2018

CORAM:
THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.A(MD)No.69 of 2018
and
C.M.P(MD)No.337 of 2018

- 1.The District Revenue Officer,
Kanyakumari, Nagercoil.
- 2.The Special Tahsildar,
Nagercoil, Kanyakumari District.
- 3.The Sub Inspector of Police,
CSCID, Kuzhithurai, Nagercoil,
Kanyakumari District.

.. Appellants/
Respondents

Vs.

Vigil Singh

.. Respondent/
Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 09.07.2014, passed in W.P(MD)No.2988 of 2014, on the file of this Court.

Prayer in WP(MD). 2988/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned Proceedings dated 20.12.2013 in Proceedings No.U1/21130/13 by the 1st respondent and quash the same as illegal and consequently direct the 3rd respondent to release the petitioner vehicle bearing TN 75 L 8799 forthwith.

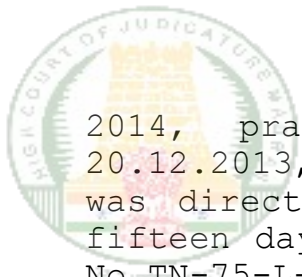
For Appellants : Mr.A.K.Baskarapandian,
Special Government Pleader.

J U D G M E N T

[Judgment of the Court was delivered by M.SATHYANARAYANAN, J.]

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The respondent/writ petitioner has filed W.P(MD)No.2988 of



2014, praying for the quashment of the proceedings, dated 20.12.2013, on the file of the first respondent, in and by which, he was directed to pay a sum of Rs.1,00,000/-, within a period of fifteen days for the release of Tempo vehicle, bearing Registration No.TN-75-L-8799.

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2.The allegation levelled against the respondent/writ petitioner is that his vehicle was used for smuggling 2600 Kilograms of rice meant for distribution, through Public Distribution System and it was the claim of the writ petitioner that he is not the owner of PDS rice and merely, his vehicle was hired for some other purpose and without his knowledge, it has been used for transportation of PDS rice.

3.The learned Single Judge, after taking note of the facts and circumstances and upon hearing the learned Additional Government Pleader appearing for the respondents, has exercised his discretion and felt that imposition of fine of Rs.1,00,000/- is on the higher side and therefore modified and reduced the same to a sum of Rs.20,000/- and on such payment, the vehicle in question, is to be released. The official respondents in the writ petition, challenging the legality of the said order, had filed this writ appeal.

4.The learned Special Government Pleader appearing for the appellants/official respondents in the writ petition, would contend that the quantity of rice smuggled is 2,600 Kilograms and taking into consideration of the fact that essential commodities are diverted and smuggled, for selling outside at higher price, the authority thought fit to impose a fine of Rs.1,00,000/- and without noting the gravity of the allegation, the said amount has been reduced and therefore, the official respondents are constrained to approach this Court, by filing this writ appeal.

5.This Court has considered the rival submissions and also perused the materials placed before it.

6.The learned Single Judge, has exercised his discretion by taking into consideration the facts and circumstances, especially, the defence taken by the respondent/writ petitioner and reduced the fine amount to a sum of Rs.20,000/- as against Rs.1,00,000/-. In the considered opinion of this Court, discretion has been exercised in a fair and proper manner and therefore, this Court in exercise of its jurisdiction under Clause 15 of Letters Patent, cannot interfere with the said order. It is also to be noted that the release of the vehicle by reducing the fine amount came to be rendered in the facts and circumstances of the case and therefore, the apprehension expressed that it may be cited as a precedent, also does not hold good.

7.In the result, this writ appeal is dismissed, confirming the order, dated 09.07.2014, made in W.P(MD)No.2988 of 2014, by the



learned Single Judge. No costs. Consequently, connected
Miscellaneous Petition is dismissed.

Sd/-
Assistant Registrar (CS-I)

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Sub Assistant Registrar

To

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