

THE HON'BLE SRI JUSTICE A. V. SESA SAI

W.P. No. 15039 of 2018ORDER:

This Writ Petition is filed seeking to declare the action of the 2nd respondent in issuing the impugned proceedings, vide Roc.No. CS 1/ 82/ ECA-162/ 2018, dated 25.03.2018 confiscating 100% value of the seized vehicle bearing No. AP 16 TV 4037, as illegal, arbitrary and violative of Articles 19 and 21 of the Constitution of India and consequently to set aside the 6A proceedings.

2. When the matter is taken up, a preliminary objection as to the maintainability of the writ petition is taken by the learned Government Pleader, by contending that in view of the effective alternative remedy, as provided under Section 6-C of the Essential Commodities Act, 1955, to the Court of the Special Judge for Essential Commodities Act cases, the present writ petition is not maintainable.

3. On the other hand, it is submitted by the learned counsel for the petitioner that without giving proper opportunity to the petitioner, the primary authority passed the order under challenge, and as such, such alternative remedy is not a bar for entertaining the writ petition.

4. In the considered opinion of this Court, the point now raised by the learned counsel for the petitioner can as well be raised before the appellate authority in the statutory appeal under Section

6-C of the Essential Commodities Act, 1955. In view of the said effective alternative remedy available to the petitioner, this Court is not inclined to entertain the present writ petition. However, it is open for the petitioner herein to avail the alternative remedy of appeal, as stated supra.

5. The Writ Petition accordingly stands disposed of at the admission stage. Miscellaneous applications pending, if any, stand closed.

Date: 26.04.2018
DMG



A. V. SESA SAI, J