

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.A.No. 1519 of 2013

And

M.P.No. 1 of 2013

S.Gopalakrishnan Appellant / Petitioner

Vs.

The District Collector
Puducherry.

Respondent/Respondent

Writ Appeal filed under Clause 15 of Letters Patent against the order of His Lordship Mr.Justice K.K.Sasidharan dated 11.07.2013 passed in W.P.No. 15706 of 2013. W.P.15706/2013 prayer in:

Petition filed under Article 226 of the Constitution of India Praying to issue a writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the respondent in his proceedings No.2/Collr/RO/D-2/E.C.Act/2013 dt 7.6.2013 insofar relates to confiscation of the 20,000 liters of diesel and quash the same and consequently direct the respondent to release the 20,000 liters of diesel to the petitioner.

For Appellant : Mr. C.Prakasam
Senior Counsel

For Respondent : Mr.Syed Mustafa
Additional Government Pleader (Pondy)

J U D G M E N T

(Delivered by DR.VINEET KOTHARI, J)

The present Writ Appeal has been filed against the Order dated 11.07.2013 passed by the learned Single Judge directing the petitioner to avail the alternate remedy by way of an Appeal provided under the provisions of Puducherry Motor Spirit and High Speed Diesel Oil (Maintenance and Regulation of Supplies) Order, 1985. The relevant portion of the learned Single Judge

is quoted below for ready reference:-

"8. The impugned order is an appealable order before the authority constituted under the Puducherry Motor Spirit and High Speed Diesel Oil (Maintenance and Regulation of Supplies) Order, 1985. The petitioner has no case that the respondent failed to conduct the proceedings in accordance with the provisions of the control order. In fact, it was the petitioner, who moved this Court with a prayer to expedite the confiscation proceedings. The respondent issued notice to the petitioner and only after hearing him passed the impugned order. The order passed by the respondent cannot be termed as illegal, irrational or suffers from procedural irregularity. The statute contain a clear remedy for redressing the grievance. The petitioner has not stated any reason to bypass the statutory remedy. Therefore, I do not find any merit in the contention raised by the petitioner."

2. Having heard the learned counsels, we are satisfied that no interference is called for in the said Order and the present Writ Appeal is devoid of any merits. We however direct that in case such regular Appeal is filed by the appellant within 30 days from the date when copy of this order is made ready, the appellant authority may not raise serious objection about the expiry of limitation and the registering of the such Appeal. Such Appeal is to be heard and disposed of on merits subject to compliance with other conditions applicable for maintaining of such Appeal under the relevant rules.

3. With the above direction, this Writ Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

vsg

To

The District Collector
Puducherry.

+1cc to Mr.C.Prakasam, Advocate, sr no.48251

+1cc to The Government Pleader, sr no.47655

W.A.No. 1519 of 2013

And

M.P.No. 1 of 2013

SPD (CO)

RMP (10/07/2019)



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