

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.07.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.20409 of 2009

and

WMP.No.2 of 2009

K. Murugan

...Petitioner

vs

The District Collector cum
Regional Transport Authority,
Dharmapuri, Dharmapuri District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of certiorari calling for the entire records relating to the impugned order passed by the respondent in his proceedings R.No.A1/11769/2008, dated 03.10.2008, and quash the same.

For Petitioner : Mr. C. Prakasam

For Respondent : Mr. J. Ramesh, AGP

O R D E R

The learned counsel for the petitioner submitted that the petitioner is the owner of the lorry bearing Registration No.TN-27-M-0599 and the same was entrusted with the petitioner's driver for driving the lorry with strict instructions to use the lorry only for lawful purposes. While so, on 26.05.2007, the said lorry was engaged by the Sub contractor for transport of 280 bags of SGRY rice each 50 kg for transporting the same from Tindivanam to Krishnagiri. However, the Inspector of Police, CSCID, Krishnagiri seized the lorry as well as the goods and the same was communicated to the Regional Transport Authority, Dharmapuri. Thereafter, orders were passed by the respondent cancelling the permit of the Vehicle TN27/M0599 Aggrieved by the order passed by the authority, the present Writ Petition is filed.

2. The learned counsel for the petitioner would submit that the petitioner did not commit any offense alleged under Motor Vehicles Act. On the other hand, under section 6 A of the

Essential Commodities Act, only the District Revenue Officer can impose fine. Further, the respondent passed orders by cancelling the permit by invoking the provision under section 86 (1) of the Act even without giving any opportunity to the petitioner to put forth his stand and therefore the impugned order is liable to be quashed.

3. The learned Additional Government Pleader submitted that though the permit was cancelled under 86 (1) of the Act (read with Rules 192 of the Rules). However, when there is a remedy available before the STAT under section 89 of the Act, without filing appeal under the said provision, filing the above Writ Petition is unsustainable one.

4. Considering the above, it is seen that against the impugned order there is a remedy available before the STAT. Hence, the Writ Petition is filed before this Court is not in accordance with law and accordingly, Writ Petition is disposed of giving liberty to the petitioner to work out his remedy in the manner known to law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

mrn

To

The District Collector cum
Regional Transport Authority,
Dharmapuri, Dharmapuri District.

+1cc to Mr.C.Prakasam, Advocate Sr.58160
+1cc to the Government Pleader Sr.58033

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srg 30/08/2019