

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.50267 of 2016

1. T.Venkataraj

2. Indrani

3. M.Sivakumar

... Petitioners

-vs-

1.The District Collector,
The Nilgiris,
The Nilgiris District.

2. The Sub Inspector of Police,
Ooty Town West Police Station,
Ooty,
The Nilgiris District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.No.K-2/21910/2006 dated 25.11.2006 and quash the same.

For Petitioners :: Mr.C.PRAKASAM

For Respondents :: Mrs.R.Janaki
Additional Government Pleader
for R1 and R2.

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O R D E R

The order passed by the District Collector in proceedings Na.Ka.No.K-2/21910/2006 dated 25.11.2006 imposing penalty of Rs.10,000/- for each lorry is under challenge in the present writ petition.

2. The learned counsel for the writ petitioner states that the rice transported by the writ petitioners were purchased from the open market and it was not meant for distribution in the ration shops through Public Distribution System. The learned counsel contented that there is no irregularity or illegality in respect of the transport of rice to other State.

3. The order impugned states that the competent authorities seized the rice bags and identified that the rice bags meant for distribution through the Public Distribution System shops and accordingly, confiscated them and imposed the fine amount as per the rules imposed.

4. This Court is of an opinion that the disputed facts in respect of rice purchased by the petitioners cannot be adjudicated in the present writ petition under Article 226 of the Constitution of India. All such disputed facts are to be adjudicated by producing the original documents and by adducing evidences before the Competent Authorities. The impugned order passed by the District Collector itself states that if at all the petitioners aggrieved, an appeal shall be preferred before the Appellate authority within a period of 30 days. However, the writ petitioners have chosen to file the present writ petition.

5. Under these circumstances, this Court cannot interfere with the order passed by the District Collector in view of the fact that prima facie, the rice confiscated by the Competent Authorities were identified to be rice bags to be distributed under the Public Distribution System and not purchased from the open market. If at all the petitioner is aggrieved, it is left open to the writ petitioners to approach the Competent Authorities for the purpose of adjudicating the facts and circumstances by producing documents or by adducing evidence.

6. In this view of the matter, no further consideration is required, as this Court cannot adjudicate such complex facts and circumstances. Accordingly, there is no infirmity as such, in respect of the order passed by the District Collector, which is impugned in the present writ petition.

7. Accordingly, this writ petition stands dismissed. No costs.

-s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

msv

To

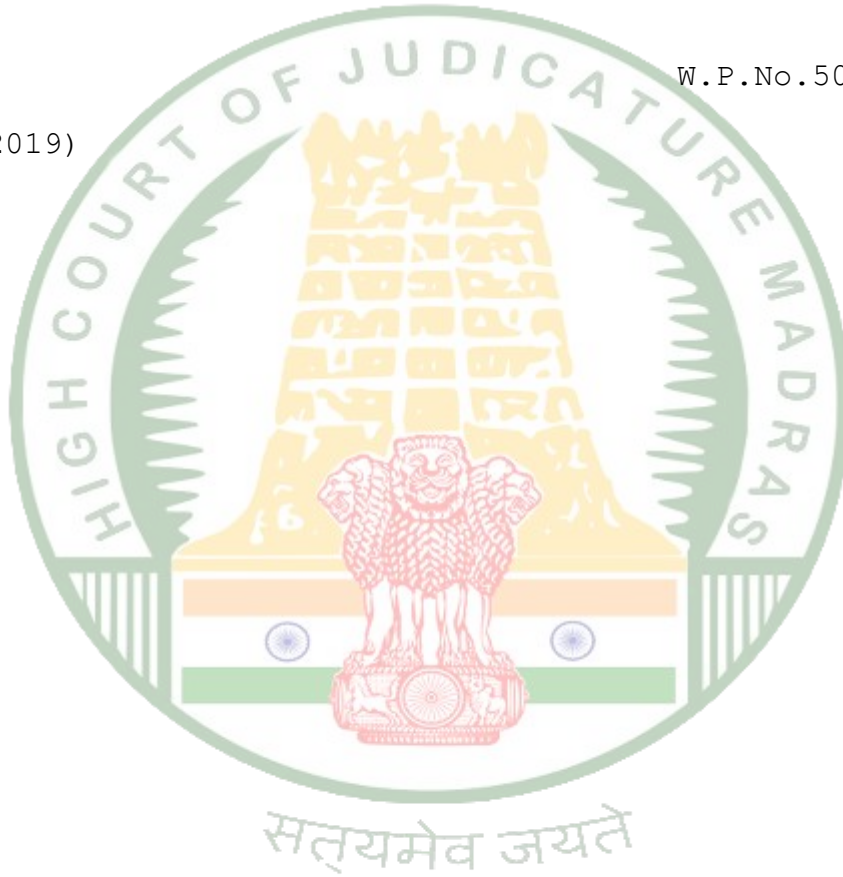
1.The District Collector,
The Nilgiris,
The Nilgiris District.

2. The Sub Inspector of Police,
Ooty Town West Police Station,
Ooty,
The Nilgiris District.

+1 CC to Mr.C.Prakasam, Advocate sr 853.

W.P.No.50267 of 2006

SP(31/01/2019)



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