

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.08.2019

Coram:

THE HON'BLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.24303 of 2019
and
W.M.P.No.24059 of 2019

T.Aliyappu

.. Petitioner

/versus/

1.The District Collector,
Office of the Collector,
Coimbatore.

2.District Revenue Officer,
Office of the District Revenue Officer,
Coimbatore.

3.The Inspector of Police,
Civil Supplies Distribution cum
Crime Investigation Department,
Pollachi Police Station,
Coimbatore District.

4.Break Inspector,
Regional Transport Office,
Pollachi, Coimbatore.

5.The Assistant Engineer,
Government Vehicle Automobile Locomotive
Koundampalayam, Coimbatore. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the impugned order of the 2nd respondent having its Ref.No.Na.Ka.1793/2018/Ki3 dated 10.05.2019 and quash the same directing the respondents to release the vehicle namely "BOLERO" bearing Registration No.KL-52,A-7595 to the petitioner.

For Petitioner :Mr.S.Shankar

For Respondents: Mr.N.Inbanathan, AGP

O R D E R

By consent, the main writ petition itself is taken up for final disposal at the admission stage itself.

2. Heard Mr.S.Shankar, learned counsel appearing for the petitioner and Mr.N.Inbanathan, learned Additional Government Pleader, who takes notice on behalf of the respondents.

3.The prayer in the writ petition is to issue a Writ of Certiorari to call for the records of the impugned order of the 2nd respondent having its Ref.No.Na.Ka.1793/2018/Ki3 dated 10.05.2019 and quash the same directing the respondents to release the vehicle namely "BOLERO" bearing Registration No.KL-52,A-7595 to the petitioner.

4.This matter arising out of Essential Commodities Act where the respondents have seized the vehicle of the petitioner namely "BOLERO" bearing Registration No.KL-52,A-7595 for illicitly transporting PDS rice. Pursuant to the direction of this Court, the District Revenue Officer, Coimbatore vide his proceedings dated 10.05.2019, has passed an order of confiscation and to pay penalty of Rs.3,00,000/-. Against which the writ petition is filed.

5.The impugned order itself indicates that the petitioner has an appellate remedy before the District and Sessions Court, Coimbatore and if he is not in a position to engage a counsel on his own, he can approach the Legal Services Authority. When there is an alternative statutory remedy, which is also efficacious, this writ petition cannot be entertained. Hence, this Writ Petition is dismissed. However, the petitioner is at liberty to approach the District and Sessions Court, Coimbatore to work out his remedy. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

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To:

1.The District Collector,
Office of the Collector,
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Office of the District Revenue Officer,
Coimbatore.

3.The Inspector of Police,
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5.The Assistant Engineer,
Government Vehicle Automobile Locomotive
Koundampalayam, Coimbatore.

Copy To
The District and Sessions Judge, Coimbatore.

+1cc to Mr.S.Sankar, Advocate SR.No.73251

+1cc to Government Pleader SR.No.74088

W.P.No.24303 of 2019
and
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VGI (CO)
GMY (26/09/2019)

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