

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Dated: 01.07.2019

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CORAM:

THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU**and****THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY****W.A. (MD) No.544 of 2019****and****C.M.P. (MD) Nos.4692 & 4591 of 2019**

- 1) The District Collector,
Collectorate Office,
Sivagangai District.
- 2) The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
- 3) The Regional Manager,
Tamil Nadu Civil Supply Corporation,
Collectorate, Sivagangai.
- 4) The Inspector of Police,
Civil Supply CID (Food Cell),
Sivagangai.

... Appellants /
Respondents

vs.

Natasha Agro Foods,
Registered Firm
Rep. by its Managing Partner,
J.Syed Sultana Begum,
W/o Jainul Ansari,
303/1, Alavanthan Kudeyeruppu Road,
Veerasekarapuram, Pudukkottai,
Sakkottai (P.O.),
Sivagangai District 630 108

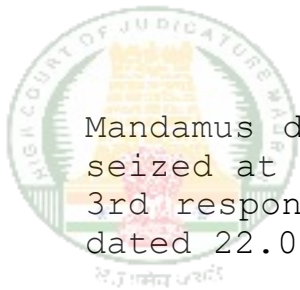
... Respondent/
Writ Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent Act against the order passed by this Court in W.P.(MD) No.8003 of 2019 dated 11.04.2019.

Prayer in WP(MD). 8003/ 2019 :

<https://hcservices.ecourts.gov.in/hcservices/>

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of



Mandamus directing the 1st respondent to release 19 tons of rice seized at the instigation of 2nd respondent and kept in go down of 3rd respondent forthwith under bill of supply invoice No.RIC-0382 dated 22.03.2019.

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For Appellants : Mr.VR.Shanmuganathan,
Special Government Pleader

For Respondents : Mr.T.N.Rajagopal
Assisted by Mr.S.Vellachamy

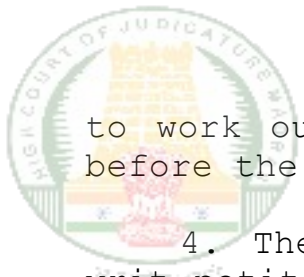
J U D G M E N T

(Judgment of this Court was made by **K.RAVICHANDRABAABU, J.**)

This Writ Appeal is directed against the order passed in W.P.(MD) No.8003 of 2019 dated 11.04.2019 in allowing the Writ Petition, filed for Mandamus directing the first respondent therein to release 19 tons of rice seized at the instigation of the second respondent therein.

2. The Appellants are the Respondents before the Writ Court. The Writ Petitioner is running a modern rice mill. It seems that 19 tons of rice were seized from the petitioner's possession on 22.03.2019 followed by registering a criminal case in Crime No.31 of 2019 under Section 6(4) of the Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 and Section 7(1)(a)(iii) Essential Commodities Act, 1955. The claim of the petitioner is that the seized rice is not from PDS (Public Distribution System) as claimed by the officials and on the other hand, it belongs to the petitioner privately, in pursuant to the purchase made by them.

3. The Writ Court disposed of the writ petition and directed the release of the seized rice on an undertaking given by the petitioner that they will provide bank guarantee for the value of the rice seized, also by taking note of the fact that investigation is going on and further by observing that granting release of the goods will not be taken advantage by the petitioner in any collateral proceedings and that all other proceedings will independently go on as per law. When the said order was put to challenge in this Writ Appeal, on 30.04.2019, this Court granted interim stay till 11.06.2019. However, when the matter was taken up for hearing on two occasions earlier (i.e.) on 11.06.2019 and 27.06.2019, the interim order was not extended. Now, when the matter is taken up today for further hearing, the learned Special Government Pleader submitted that an order of ~~interim stay~~ issued on 27.06.2019 by the District Revenue Officer, Sivagangai and therefore, it is for the writ petitioner



to work out their remedy against the said order of confiscation before the appropriate forum.

4. The writ petitioner approached this Court and filed the writ petition for release of the seized goods. No doubt, the writ court ordered release, subject to the condition that the petitioner should furnish bank guarantee for the value of the goods. The Writ Court has also granted liberty to the Authorities to proceed with other proceedings independently. It was further observed that the defense of the writ petitioner and the rights of the parties are left open. Though the said order of the Writ Court was stayed in this Writ Appeal till 11.06.2019, the admitted position is that the said order was not extended further. In the mean time, the District Revenue Officer passed an order of confiscation on 27.06.2019. Needless to say that once the confiscation order is passed, the release of the goods does not rise. Therefore, it is for the writ petitioner to work out their remedy by challenging the said order of confiscation in the manner known to law before the appropriate authority.

5. Accordingly, without expressing any view on the merits on the claim made by both the parties, this Writ Appeal is disposed of by granting liberty to the writ petitioner to work out their remedy against the order passed by the District Revenue Officer on 27.06.2019 before the appropriate Authority. Since the District Revenue Officer has passed the order of confiscation, the respondents shall release the bank guarantee furnished by the petitioner forthwith.

In view of the order of confiscation already passed, the release order issued by the writ court cannot have any force and therefore, merits of the contention raised by both parties are not decided in this Writ Appeal. If any Appeal is filed by the writ petitioner, challenging the order of confiscation, such appellate Authority shall dispose the Appeal within a period of four weeks from the date of filing of the Appeal. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

1) The District Collector,
Collector's Office,
Sivagangai District.



2) The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3) The Regional Manager,
Tamil Nadu Civil Supply Corporation,
Collectorate, Sivagangai.

4) The Inspector of Police,
Civil Supply CID (Food Cell),
Sivagangai.

+1 CC to M/s.M.V.VENKATASESHAN, Advocate (SR-72688[F] dated
02/07/2019)

+1 CC to M/s.SPL GP (SR-72814[F] dated 02/07/2019)

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Judgment made in
W.A. (MD) No.544 of 2019
01.07.2019

KM/(16.07.2019) 4P 7C