



WEB COPY

THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.04.2019
CORAM:
THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**
W.P. (MD) No.8003 of 2019
and
W.M.P. (MD) Nos.6306 and 6307 of 2019

Natasha Agro Foods
registered Firm
represented by its
Managing Partner
J.Syed Sultana Begum

... Petitioner

Vs

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

... Respondents

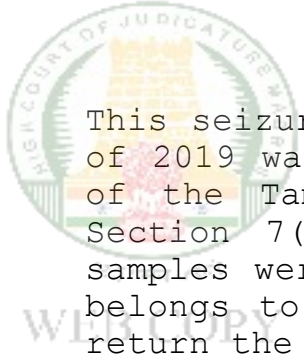
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to release 19 tons of rice seized at the instigation of the second respondent and kept in go down of third respondent forthwith under bill of supply invoice No.RIC-0382 dated 22.03.2019.

For Petitioner : M.V.Venkataseshan
For R1 and R2 : Mr.M.Karuppasamy
Government Advocate

For R3 and R4 : Mr.D.Maharajan

ORDER

The petitioner is running a Modern Rice Mill at Pudukkottai, Sakkottai. 19 tons of rice, meant for the writ petitioner, were seized from the lorry belonging to the writ petitioner's husband.



This seizure was made on 22.03.2019 at about 7.00 p.m. Crime No.31 of 2019 was registered against the lorry driver under Section 6(4) of the Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 and Section 7(1)(a)(iii) Essential Commodities Act, 1955. The rice samples were sent to the quality inspector who certified that it belongs to PDS category. The petitioner wants the respondents to return the seized goods. Hence, this writ petition has been filed.

2.This Court heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for the respondents 1 and 2.

3.It is not in dispute that the investigation is presently going on. Even if the petitioner is found to have breached the provisions of the Essential Commodities Act, the goods are going to be confiscated and sold in an auction.

4.This Court posed a specific question to the learned Government Advocate with regard to the value of the property. In the counter affidavit filed by the respondent it has been mentioned that the seized goods would be worth about Rs.6,07,350/-.

5.The learned counsel appearing for the petitioner states that he is willing to give Bank guarantee for the said sum. The Bank guarantee will be valid for a period of four months. If even after four months, the confiscation proceedings if initiated, does not get concluded, the petitioner shall offer immovable property securities. The Bank guarantee can be cancelled at the end of the four months period. Subject to this, the respondents are directed to return the seized goods to the petitioner herein.

6.It is admitted by the Investigation Officer that the samples have already been drawn. It is open to the Investigation Officer to conduct the investigation in accordance with law. The order granting release of the goods will not be taken advantage by the writ petitioner in any collateral proceedings. The respondent shall release the goods after the petitioner furnishes bank guarantee for the aforesaid goods. All other proceedings will independently go on as per law. The defence of the writ petitioner and the rights of the parties are left open.

7.This writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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To

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- 2.The Revenue Divisional Officer,
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Sivagangai District.
- 3.The Regional Manager,
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Collectorate, Sivagangai.
- 4.The Inspector of Police,
Civil Supply CID (Food Cell)
Sivagangai.

+1 CC to M/s.M.V.VENKATASESHAN, Advocate (SR-60672[F] dated 12/04/2019)

+1 CC to M/s.SPL GP (SR-60974[F] dated 15/04/2019)

W.P. (MD) No.8003 of 2019

11.04.2019

DS/ /SAR- (15.04.2019) 4P 7C