



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.20578 of 2019

and

W.M.P. (MD) .No.17222 of 2019

Natasha Agro Foods
registered Firm rep. by its
Managing Director,
J.Syed Sultana Begum.

... Petitioner

vs.

- 1.The Commissioner
Food Supplies & Consumer Protection
Ezhilagam, 4th Floor, Chepauk,
Chennai-05.
- 2.The District Collector,
Collectorate Office,
Sivagangai District.
- 3.The District Revenue Officer,
Sivagangai,
Sivagangai District.
- 4.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
- 5.The Regional Manager,
Tamil Nadu Civil Supply Corporation
Collectorate, Sivaganai.
- 6.The Inspector of Police,
Civil Supply CID (Food Cell)
Sivagangai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records made in the impugned order in Na.Ka.S6/6584/2019 dated 27.06.2019 issued by the 3rd respondent, quash the same directing the respondents to release the illegally seized rice.

For Petitioner : Mr.M.V.Venkataseshan

For Respondent : Mr.M.Rajarajan
Govt. Advocate



O R D E R

Against the order of seizure of rice made by the District Revenue Officer, the petitioner preferred a writ petition in W.P. (MD).No.8003/2019. In the said writ petition, by an order dated 11.04.2019, this Court directed the petitioner to execute a bank guarantee and directed the District Revenue Officer to complete the enquiry. The third respondent in his proceedings in Na.Ka.No.S6/6584/2018, dated 27.06.2019, seized the materials and informed the petitioner that an appeal remedy is available to him before the Commissioner for Food, Civil Supplies Department/first respondent, within a period of 30 days. Against the order passed by the third respondent, the petitioner preferred an appeal to the first respondent. His appeal was disposed of vide proceedings in Na.Ka.No.K2/18304/2019, dated 22.08.2019. The first respondent has informed the petitioner that the appeal remedy under Section 6(C) of Essential Commodities Act, 1981 is available only before the District Court and not before the first respondent.

2.The contention of the learned counsel for the petitioner is that the third respondent without being aware of the appellate authority, had wrongly directed the petitioner to approach the first respondent and hence, so much of her precious time has been lost and that her goods seized are loosing its value.

3.The learned Government Advocate appearing for the respondent submitted that in view of the amendment made, appeal can be filed only before the jurisdictional District Court and it is wrongly mentioned by the third respondent.

4.Considering the delay caused on account of the third respondent by quoting a wrong authority, permission is granted to the petitioner to present an appeal before the concerned District Court and in the event of filing such an appeal within a period of two weeks from the date of receipt of a copy of the order, the District Court is directed to entertain the appeal, without insisting on limitation period and dispose of the same within a period of six weeks thereafter.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

6.After passing of this order, the learned counsel for the petitioner submits that since the original impugned order is already filed before the first respondent, he may be permitted to file a certified copy of the impugned order, while presenting the appeal before the Jurisdictional District Court.



7.Considering the said request, the petitioner is permitted to present the appeal along with a certified copy of the impugned order.

Sd/-
Assistant Registrar(AS)

WEB COPY/TRUE COPY/

Sub Assistant Registrar

vs

To:

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- 6.The Inspector of Police,
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Sivagangai.

+1 CC to M/s.M.V.VENKATASESHAN, Advocate (SR-89061[F] dated 25/09/2019)

+1 CC to M/s.GP (SR-89391[F] dated 25/09/2019)

W.P. (MD) No.20578 of 2019
24.09.2019

JM/14.10.2019/3P/9C