

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.02.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.18484 of 2019

Mohamed John Settu

.. Petitioner

..Vs..

The District Revenue Officer,
Villupuram,
Villupuram District.

.. Respondent

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to release 21,500 Kilo of broken rice seized from the petitioner's godown by the Inspector of Police, Civil Supplies, CID, Villupuram on 07.01.2019 on furnishing immovable property security to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.R.Govindasamy
Additional Government Pleader

O R D E R

The writ petition has been filed in the nature of Mandamus, directing the respondent namely the District Revenue Officer, Villupuram to release 21,500 Kilo of broken rice seized from the petitioner's godown by the Inspector of Police, Civil Supplies, CID, Villupuram on 07.01.2019 on furnishing immovable property security to the petitioner.

2. In the affidavit filed in support of the writ petition, it had been stated that the petitioner is in rice business for several years. He claims that he had purchased rice and had kept the same in his godown. On 07.01.2019, the Inspector of Police, CSCID, Villupuram seized the broken rice bags. The petitioner claimed that the rice is used for poultry form. However, the Police seized 22,500 kgs of broken rice. They also seized the lorry bearing Registration No.TN-25-BD-5050.

3. Thereafter, the respondent had conducted an enquiry. In the enquiry, it had been found that out of the seized 22,500 kgs of broken rice, 1000 kgs of broken rice were PDS rice. The balance 21,500 kgs of broken rice were non PDS rice. It is under these circumstances, the petitioner had given a representation to the respondent to release the 21,500 kgs of rice.

4. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondent.

5. A Status report filed by the District Revenue Official, Villupuram District is also been taken on file. In the Status report, it had been stated that based on the complaint, a case in Crime No.4 of 2019 under Section 6 (4) of Tamil Nadu Scheduled Commodities (Regulation of Distribution by Card System) Order 1982 r/2. 7(1) (a)(ii) of the Essential Commodities Act, 1955 has been registered. It had been stated that the Quality Inspector, the Assistant Manager, Tamil Nadu Civil Supplies Corporation, Villupuram had furnished Quality Certificates. They certified that the samples taken indicate that 1000kgs belonged to Public Distribution System Rice (PDS) and they further certified that the balance 21,500 kgs of rice belonged to Non (PDS) Public Distribution System Rice. It is stated that a final report has also been filed before the learned Judicial Magistrate I, Villupuram and the rice which had been seized has also been handed over to the Magistrate Court.

6. It is stated by the learned counsel for the petitioner that the Magistrate has no power to release the rice and it is the respondent who is appropriate authority to return the rice. Under these circumstances, taking account of the fact that the rice were seized in January 2019 and the rice which is edible cannot be kept waste for a longer period, a mandamus is issued, directing the District Revenue Office, Villupuram to release 21,500 kgs of rice to the petitioner, on the petitioner furnishing adequate surety for the value of the rice. If the rice is in the custody of the Judicial Magistrate I, Villupuram, then the petitioner may file proper application before the Judicial Magistrate I, Villupuram for return of the rice. If it is ordered by the Judicial Magistrate, the petitioner will have to furnish sureties for the value of the rice. The Judicial Magistrate I, Villupuram may also under these circumstances, after considering all factors, shall direct the rice to be handed over to District Revenue Officer who in turn is to hand over them to the petitioner. It would only be appropriate that the rice is handed over to the District Revenue Officer, who may satisfy himself on the surety of the documents produced by the petitioner, release the rice to the petitioner.

7. With these observations, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

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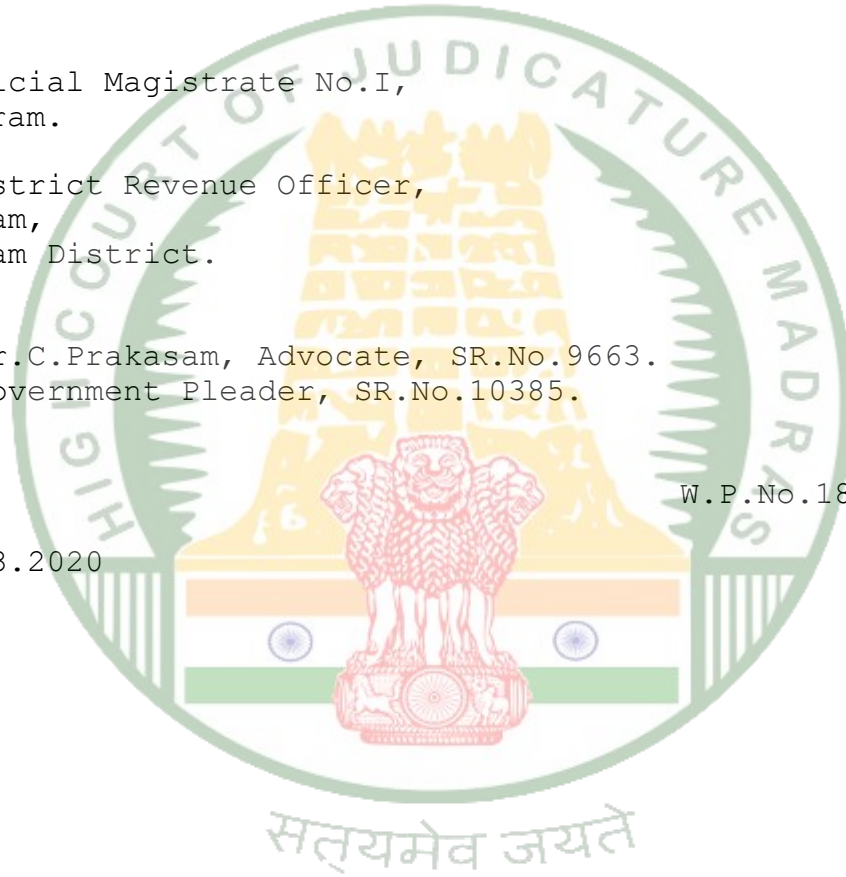
1.The Judicial Magistrate No.I,
Villupuram.

2. The District Revenue Officer,
Villupuram,
Villupuram District.

+1cc to Mr.C.Prakasam, Advocate, SR.No.9663.
+1cc to Government Pleader, SR.No.10385.

GMR (CO)
CSR: 04.03.2020

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