

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.01.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.24471 of 2019

M.Venkatamohan Aallam

.. Petitioner

..Vs..

1.The District Revenue Officer,
Tiruvallur, Tiruvallur District.

2.The Inspector of Police,
CSCID, Ambattur, Chennai.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to release the Tempo Van bearing Registration No.AP-29-TA-9738 seized by the Inspector of Police, Civil Supplies CID, Tiruvallur, Tiruvallur District on 26.03.2019 to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.N.Inbanathan
Addl. Government Pleader

ORDER

The Writ Petition has been filed in the nature of Writ of Mandamus, to release the tempo van bearing Registration No.AP-29-TA-9738 which was seized by the 2nd respondent namely, the Inspector of Police, CSCID, Ambattur, Chennai, on 26.03.2019.

2. It is the contention of the learned counsel for the petitioner that on 26.03.2019, the tempo van with Registration No.AP-29-TA-9738 was engaged by the Trader for transport of 30 bags of rice each with 50Kgs for transporting the same within Redhills under cover of valid bills. However, it was seized by the 2nd respondent and a case had also been filed in CID Crime No.106/2019 u/s 6(4) of TNSC (RDCS) order 1982 r/w 7(i) a(ii) of EC Act, 1955 as against three accused persons. It was stated that subsequently, the van was also seized by the 2nd respondent.

3. Heard both sides.

4. Section 6(A) of Essential Commodities Act 1955 is as follows:

"i. Vehicles should be released only on conclusion of the confiscation proceedings.

ii. Market Price of the vehicle used for smuggling should be calculated after getting written opinion on the price of the vehicle from the Road Transport Officers (RTOs)."

5. Further it was stated that the fine may be imposed on the confiscated vehicle almost equal to the value fixed by the Government Automobile Workshops (GAWSS) / Regional Transport Official (RTOs) for the vehicles.

6. It is seen from the records that the market value was sought for and thereafter, final orders had been passed on 09.12.2019 fixing an amount of Rs.4,25,000/- (Rupees Four Lakhs Twenty Five Thousand only) for release of the vehicle. A copy of this order had also been forwarded to the petitioner herein. As against the said order, under Section 6(c) of the Essential Commodities Act 1955, the petitioner will have to file an appeal before the Sessions Judge, Tiruvallur.

7. In view of that fact, a Mandamus cannot be issued and accordingly, the Writ Petition stands dismissed. No costs.

8. The petitioner is directed to file a regular appeal if he so pleases on or before 24.01.2020. If the appeal is filed on or before 24.01.2020, then the appeal if any may be considered by the learned District and Sessions Judge, but if the appeal is filed after 24.01.2020, then the petitioner will have to explain the reasons for the delay of filing the appeal.

Sd/-

सत्यमेव जयते Assistant Registrar (CS-VII)

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Sub Assistant Registrar

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To

1.The Sessions Judge, Tiruvallur.

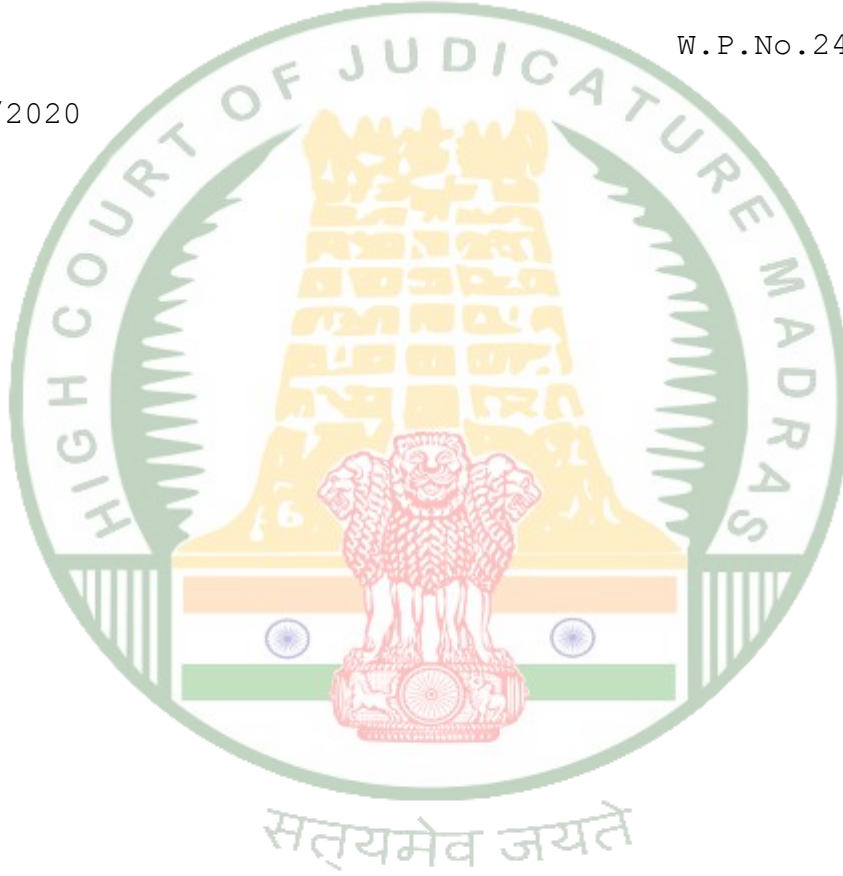
2.The District Revenue Officer,
Tiruvallur, Tiruvallur District.

3.The Inspector of Police,
CSCID, Ambattur, Chennai.

+1cc to Government Pleader, SR.No.3535.

W.P.No.24471 of 2019

MR(CO)
CSR:24/01/2020



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