



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.05.2020

CORAM:

THE HONOURABLE JUSTICE C.V.KARTHIKEYAN

WEB COPY

W.P. (MD) No. 6136 of 2020

M.Ramar

... Petitioner

Vs.

1.The District Revenue Officer,
Madurai District, Madurai.

2.The Inspector of Police,
Tiruparamkundram Police Station,
Madurai City.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to release the Lorry bearing Registration No.TN-67-D-1477, seized on 23.04.2020, by the second respondent to the petitioner.

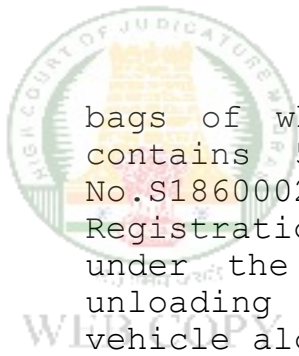
For Petitioner : Mr.T.Lenin Kumar

For R-1 & R-2 : Mrs.J.Padmavathi Devi
Special Government Pleader

O R D E R

The Writ Petition filed in the nature of Mandamus seeking direction to the first respondent, namely, the District Revenue Officer, Madurai District, Madurai, to release the Lorry bearing Registration No.TN-67-D-1477, which was seized on 23.04.2020, by the second respondent, the Inspector of Police, Tiruparamkundram Police Station in Madurai City, on the allegation that PDS rice was being smuggled and transported through the said vehicle.

2. The learned counsel appearing for the petitioner stated that the petitioner M.Ramar, residing at 11/2, Thaikkal Street, Simmakal, Madurai, is a Transport Contractor of Tiruparamkundram Co-operative Credit Society. He further stated that on 29.01.2020, an agreement was executed between the petitioner and the Tiruparamkundram Co-operative Credit Society, granting permission to the petitioner to transport essential commodities such as rice, sugar and oil etc from Thoppur Godown to 19 Fair Price Shops, functioning under the Society. It is claimed that on 23.04.2020, the Authorities at Thoppur Godown had transported 220 bags of rice (each contains 50 kgs), 21 bags of sugar (each contains 50 kgs), 16



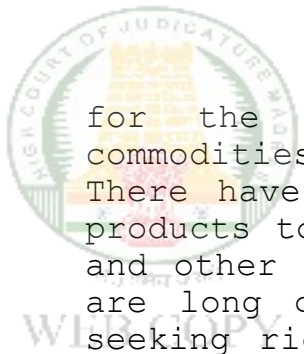
bags of wheat (each contains 50 kgs), 20 bags of lentils (each contains 50 kgs) and 100 bgs of palm oil, vide issue memo No.S186000236, dated 23.04.2020, through the lorry bearing Registration No.TN-67-D-1477 to the Fair Price Shops, functioning under the Tiruparankundram Society. It is claimed that while unloading the commodities, the second respondent had seized the vehicle along with 15 bags of rice on the allegation that the Driver had unlawfully transported PDS rice. The learned counsel appearing for the petitioner drew the attention of this Court to the agreement entered into between the petitioner and Tiruparamkundram Co-operative Credit Society and stated that the petitioner was legally transporting the PDS rice. He also stated that a memo was actually issued granting permission to transport the said products. This was on 23.04.2020 at 11.25 a.m. He further stated that no irregularity was committed by the petitioner. He also stated that the lorry is presently lying in the custody of the second respondent and if directions are not given, the lorry would be damaged and the petitioner would be put to loss. The learned counsel also drew the attention of this Court to earlier orders passed by learned single Judges of this Court, wherein, similarly seized vehicles have been released on certain conditions. Reference has been drawn to the order in ***W.P. (MD).No.4358 of 2019-(G.Anugilbert Vs. The District Collector, Kanyakumari District, Nagercoil and the Special Tahsildar, (Flying Squad). Kanyakumari District, Nagercoil)***, dated 27.02.2019 and the order in ***W.P. (MD).No.26354 of 2019-(Sahul Ahmeed Vs. The District Revenue Officer, Sivagangai District and the Inspector of Police, Civil Supplies Crime Investigation Department, Sivagangai)***, dated 12.12.2019. In both the cases, the learned Single Judges have directed return of the seized vehicles on imposing certain conditions.

3. The learned Special Government Pleader had taken notice and appeared. It was stated that the respondents are maintaining the issue of theft of rice and smuggling of rice and stated that the issue memo was issued at 11.25 a.m., whereas, the rice was seized at 10.00 p.m. It was therefore stated that the petitioner had indulged in unlawfully smuggling and transporting PDS rice.

4. The learned counsel appearing for the petitioner stated that the petitioner would contest the criminal case, which has been filed against the petitioner herein, but stated that the lorry can be released on conditions. It was also stated that the Driver of the vehicle had taken back the rice from the ration card holders without the knowledge of the petitioner and had transported the rice at the time of seizure.

5. I have given my careful consideration to the rival submissions made.

6. At the present time, when we are facing an extraordinary situation of prevalence of Covid-19 pandemic, there is a necessity



for the Government to distribute rice and other essential commodities through the Fair Price Shops to the ration card holders. There have been directions to distribute rice and other essential products to non-ration card holders also. There is shortage of rice and other essential commodities. It is common knowledge that there are long queues outside every ration shop by the common public, seeking rice and other commodities, which are necessary for their day to day livelihood. Transporting such rice whether after getting it back from the card holders or by smuggling the rice to be supplied to the common people cannot be condoned by this Court. The earlier orders have been passed in conditions where the pandemic situation was not prevailing. Now, we are facing an extraordinary situation where every grain of rice is important for every family. The petitioner's lorry has been seized by due process of law and this Court is not inclined to grant any order directing return of the same.

7. The earlier orders as stated above had been passed at a time when the present situation was not envisaged. The lorry was seized at 10.00 p.m., and the petitioner will have to face the consequences and the petitioner will have to go before the concerned forum / authority / Court to seek release of the vehicle.

8. With these observations, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (Cr1.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

- 1.The District Revenue Officer,
Madurai District, Madurai.
- 2.The Inspector of Police,
Tiruparamkundram Police Station,
Madurai City.

Order made in

W.P. (MD)No.6136 of 2020

Dated:07.05.2020

Tsg

SDS (20.05.2020) 3P-3C