



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.6504 of 2021
and
WMP.No.7078 of 2021

Adhil Musthafa

...Petitioner

Vs.

1. The State of Tamilnadu rep.by Inspector of Police,
Anaimalai Police Station,
Coimbatore,
(Cr.No.601 of 2020)
2. Agriculture Officer,
Manure Inspector,
Anaimalai, Coimbatore.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second respondent to consider the petitioner's representation dated 01.02.2021 and consequently direct the respondent to de-seal the company, M/c.D Fix situate at No.5/36, Pappathipalayam, Ganapathipalayam, Pollachi, Coimbatore.

For Petitioner : Mr.S.N.Subramani

For Respondents : Mr.Stalin Abimanyu, GA

O R D E R

According to the petitioner, he is running a company under the name and style of M/s.D Fix situated at No.5/36, Pappathipalayam, Ganapathipalayam, Pollachi, Coimbatore, which



was leased out by M/s.Elite Solvents and is manufacturing amino resin (Adhesive) and supplying the same to the plywood industries, for which, he used to purchase Urea from the third parties. While so, on 18.11.2020, the second respondent came to the petitioner's company and seized 927 bags of Urea, besides sealing the said company, as if he has purchased the same without valid vouchers and licence for the same. Subsequently, a case in FIR No.601 of 2020 came to be registered against the petitioner, pursuant to which, he was arrested and was later, released on bail. Thereafter, the petitioner made a representation dated 01.02.2021 requesting the second respondent to de-seal his company, stating that the materials available in the sealed company, are perishable in nature and if the same are removed, he would be put to irreparable loss. Finding no response on the same, he has come up with this writ petition for appropriate direction.

2.Upon notice, the respondents filed a detailed counter affidavit, inter alia stating that since the petitioner has committed the offence under section 3(2)(d) r/w 7(1)(a)(ii) of Essential Commodities Act, his company was sealed in the presence of the revenue officials to avoid misusing the highly subsidized fertilizer meant for agricultural purpose. It is also submitted that by the act of the petitioner, the Government has incurred a huge loss to the public exchequer.

3.The learned counsel for the petitioner submitted that the petitioner has purchased the seized materials through valid documents, however, the second respondent seized the same, besides sealing the company, that too, without issuing any notice, which is arbitrary, illegal and in violation of the principles of natural justice. Thus, the learned counsel prayed for a direction to the second respondent to deal the petitioner's company, by considering his representation dated 01.02.2021.

4.On the other hand, the learned Government Advocate appearing for the respondents submitted that the second respondent would pass orders on the petitioner's representation, on merits, within a period of two weeks.

5.Recording the submission so made by the learned Government Advocate appearing for the respondents, the writ petition stands disposed of, directing the second respondent to consider the representation of the petitioner dated 01.02.2021 and pass appropriate orders, on merits and in accordance with



law, after affording an opportunity of personal hearing to the petitioner. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar (CS)

// True Copy//

Sub Assistant Registrar

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To

1. The State of Tamilnadu rep.by Inspector of Police,
Anaimalai Police Station,
Coimbatore,
(Cr.No.601 of 2020)
2. Agriculture Officer,
Manure Inspector,
Anaimalai, Coimbatore.

+1cc to the Government Pleader, S.R.No.32938

W.P.No.6504 of 2021

PCH (CO)
SU (06/08/2021)