



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2021

C O R A M

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.13532 of 2018

and

W.M.P.Nos.15955 to 15957 of 2018

Penchala Narasimha Kondeti

...Petitioner

Vs

1. The District Revenue Officer,
Krishnagiri, Krishnagiri District.

2. The Inspector of Police,
Civil Supplies CID, Krishnagiri,
Krishnagiri District.

...Respondents

Prayer Writ Petition filed under Section 226 of the Constitution of India, prayed for the issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.No.16797/2014/F-6, dated 02.03.2018 and quash the same and consequently directing the first respondent to release the Lorry bearing Registration No.AP-26-TB-8339 seized by the second respondent on 19.07.2014, to the petitioner.

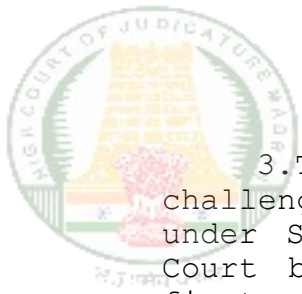
For Petitioner : Mr.C.Prakasam

For Respondents : Mr.M.Shahjahan
Special Government Pleader

ORDER

This Writ Petition has been filed for the issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.No.16797/2014/F-6, dated 02.03.2018 and quash the same and consequently directing the first respondent to release the Lorry bearing Registration No.AP-26-TB-8339 seized by the second respondent on 19.07.2014, to the petitioner.

2.After hearing the matter, the learned Special Government Pleader appearing for the respondents submitted that against the impugned order, the petitioner can very well file an appeal under Section 6-C of the Essential Commodities Act, 1955.



3.The learned counsel for the petitioner submitted that, challenging the impugned order, the petitioner filed an appeal under Section 6-C of the Essential Commodities Act, 1955, the Court below considered and remanded back the matter to the first respondent. However, the first respondent without conducting proper enquiry, once again passed the very same impugned order, therefore, the petitioner filed the present Writ Petition.

4.However, this Court is of the view that, when an appeal provision is available, the petitioner has to approach the Appellate Authority. The learned counsel for the petitioner also seeks leave of this Court to file an appeal under Section 6-C of the Essential Commodities Act, 1955 and in this regard, he has made an endorsement to withdraw the present Writ Petition.

5.In view of the endorsement, this Writ Petition is dismissed as withdrawn with liberty to the petitioner to file an appeal under Section 6-C of the Essential Commodities Act, 1955, within a period of 60 days from the date of receipt of a copy of this order. The Appellate Authority shall entertain the appeal without raising objection on the point of limitation in preferring the appeal since the petitioner has approached this Court by way of Writ Petition. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rst

To:

1. The District Revenue Officer,
Krishnagiri, Krishnagiri District.
2. The Inspector of Police,
Civil Supplies CID, Krishnagiri,
Krishnagiri District.

+1cc to the Government Pleader, S.R.No.69549

W.P.No.13532 of 2018
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SR(CO)
RGA(21/01/2022)