



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-11-2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.5159 of 2016

And

WMP Nos.4528, 4529, 17935 and 28072 of 2016

Mr.Vellaimuthu Udaiyar

...Petitioner

vs.

1.The Revenue Officer cum
Executive Magistrate,
Office of the District Collector,
Government of Puducherry.

2.The Director Civil Supply and Consumer Affairs,
Puducherry.

3.The Superintendent of Police,
Food Cell Police Station,
Puducherry.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 04.03.2016 bearing No.11321/DM/D2/22007, dated 04.03.2016 on the file of the first respondent and quash the same and consequently, direct the second respondent to release the sale proceeds of 302 bags of single boiled rice and also to release the TVS XL vehicle bearing No.PY-01-AE-4971 [Prayer amended vide order of Court dated 28.03.2016 made in WMP No.9644 of 2016 in WP No.5159 of 2016].

For Petitioner : Mr.S.Sethuraman

For Respondents : Ms.V.Usha,
Additional Government Pleader
(Puducherry).

O R D E R

The order dated 04.03.2016 passed by the first respondent is sought to be quashed and consequently, a direction is sought for to the second respondent to release the sale



proceeds of 302 bags of single boiled rice and also to release TVS XL vehicle bearing Registration No.PY-01-AE-4971.

2. The petitioner is the registered dealer of rice in the Union Territory of Pondicherry for more than 40 years. The petitioner states that he has not involved in transporting of PDS rice. He was possessing 302 bags of white rice in his Godown, which were purchased from a Rice Mill at Cuddalore. The petitioner further states that he was having bills for the said purchase issued by the vendor.

3. On 30.12.2015, the Sub Inspector of Police of the third respondent along with a Constable came to his house and arrested the petitioner with an allegation that the petitioner has stored the PDS Rice in his Godown.

4. Admittedly, a criminal case was registered against the petitioner in Crime No.17 of 2015. The rice bags were seized by the police along with the vehicle. Thus, the petitioner is constrained to move the present writ petition.

5. The learned counsel for the petitioner made a submission that the petitioner is no way connected with the transporting of PDS Rice nor he has involved in any criminal offence. The criminal case registered against the petitioner itself is based on certain false allegation of facts and, therefore, the impugned order is liable to be set aside.

6. This Court is of the considered opinion that it is an admitted fact that the criminal case was registered against the petitioner in Crime No.17 of 2015 under Section 6(4)(i)(ii) of Public Distribution System Control Order r/w Section 7(i)(a)(ii) of Essential Commodities Act, 1955.

7. Once the criminal case is registered and the properties were seized, then the disposal of properties must be done in accordance the provisions of the Code of Criminal Procedure. If at all the petitioner is pleading his innocence, the same is to be established before the Competent Criminal Court of Law and appropriate applications may be filed for disposal of the properties.

8. Contrarily, the High Court in the writ proceedings under Article 226 of the Constitution of India, cannot issue directions for release of the alleged seizure of PDS rice bags, which will affect the criminal trial to be conducted against the accused persons in the criminal case.

9. It is not as if the petitioner will face the criminal case before the Competent Criminal Court of Law and



file a writ petition, seeking release of the properties, which are seized on registration of the criminal case. Such parallel proceedings are impermissible under Article 226 of the Constitution of India. In the event of issuing any direction, the same would have repercussions in the matter of conduct of criminal trial before the Competent Criminal Court of Law.

10. Thus, the very relief, as such, sought for in the present writ petition need not be entertained, as the petitioner is bound to approach the Competent Criminal Court of Law for the purpose of redressal of his grievances in the manner known to law. Thus, the present writ petition is misconceived and the relief, as such, sought for in the present writ petition cannot be considered in the writ proceedings under Article 226 of the Constitution of India.

11. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

Svn

To

- 1.The Revenue Officer cum
Executive Magistrate,
Office of the District Collector,
Government of Puducherry.
- 2.The Director Civil Supply and Consumer Affairs,
Puducherry.
- 3.The Superintendent of Police,
Food Cell Police Station,
Puducherry.

W.P.No.5159 of 2016

PCH(CO)
RVM(26/11/2021)