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WP.No.14838 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.14838 of 2020

T.S.Mosses Thangaraj

... Petitioner

Vs.

- 1.State rep by its
The District Collector,
The Collectorate of Karaikal District,
Karaikal, Puducherry 609 602
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Food Cell Department,
Puducherry 609 602
- 3.The Inspector of Police,
Food Cell Police Station,
Karaikal
(crime No.1 of 2020)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to release the petitioner's heavy goods vehicle tanker lorry bearing registration No.TN 94 Z 7153 along with approximately 7000 litres of Industrial Mineral Hydro Carbon Lubricant Oil contained in the tanker lorry seized in crime No.1 of 2020 on the file of the third respondent.



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For Petitioner : Mr.P.Kalimuthu

For Respondents : Mr.V.Balamurugane,
Public Prosecutor(Puducherry)

ORDER

This petition has been filed for a direction to the respondents to release the petitioner's heavy goods vehicle tanker lorry bearing registration No.TN 94 Z 7153 along with approximately 7000 litres of Industrial Mineral Hydro Carbon Lubricant Oil contained in the tanker lorry seized in crime No.1 of 2020 on the file of the third respondent.

2. The petitioner is the sole proprietor of T.S.Mosses Chemicals and the heavy goods vehicle tanker lorry bearing registration No.TN 94 Z 7153 are registered in the name of the firm. The petitioner's vehicle was engaged to supply Industrial Mineral Hydro Carbon Lubricant Oil to M/s.VKR Enterprises, Karaikal, Puducherry vide invoice No.2529 dated 22.07.2020. When the vehicle was proceeding to supply the same, the vehicle was seized and FIR was registered in crime No.1 of 2020 for the offence under Section 6 & 15 of Pondicherry Motor Spirit and High Speed Diesel Oil (M&RS) order 1985 and Section 7(1)a(11) of Essential Commodities Act, 1955. Now the proceeding is pending on the file of the first respondent with regards to whether



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the Industrial Mineral Hydro Carbon Lubricant Oil is coming under the purview of essential commodities or not.

3. According to the petitioner, the said lubricant oil is not diesel / spirit and not a controlled commodity under the Pondicherry Motor Spirit and High Speed Diesel Oil (M&RS) order 1985. Further, the said oil is not a controlled commodity either in Tamilnadu or Pondicherry.

4. The learned Public Prosecutor(Puducherry) appearing for the respondents submitted that now the proceedings is pending on the file of the first respondent.

5. The proceedings is pending for the past two years. Since the vehicle was seized on 26.07.2020, if the vehicle is kept in open place, it is likely to be wasted and deteriorated in value.

6. Considering the above facts and circumstances of the case, the first respondent is directed to decide the issue whether the Industrial Mineral Hydro Carbon Lubricant Oil is a controlled commodity under the Pondicherry Motor Spirit and High Speed Diesel Oil (M&RS) order 1985 and by the



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Essential Commodities Act, 1955 within a period of two weeks from the date of receipt of copy of this order. If the said oil is not controlled by both the above acts, the third respondent is directed to return the vehicle bearing registration No.TN 94 Z 7153 to the petitioner forthwith. If the said oil is controlled by the said Acts, the petitioner is at liberty to approach the authority concerned for appropriate relief in respect of release of vehicle.

7. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

19.07.2022

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
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To

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Puducherry 609 602
- 3.The Inspector of Police,
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4. The Public Prosecutor,
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G.K.ILANTHIRAIYAN, J.
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