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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.32897 of 2022

M.Gnanasekaran

.. Petitioner

Vs.

1.The District Revenue Officer,
Nilgiris.

2.The Inspector of Police,
CSCID Police,
Nilgiris.

.. 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 Ashok Leyland LTD Goods Carrier bearing Registration No.TN-43-Y-5107, Engine No.FVPZ133294, seized by the 2nd respondent on 13.10.2022, by considering the petitioner's representation dated 28.10.2022.



For Petitioner .. Mr.Deepanuday

For Respondents .. Mr.N.Suresh, Govt. Advocate

ORDER

This petition has been filed in the nature of Mandamus seeking a direction against the respondents / The District Revenue Officer, Nilgiris and Inspector of Police, CSCID Police, Nilgiris, to release the Ashok Leyland LTD Goods Carrier bearing Registration No.TN-43-Y-5107 which was seized by the 2nd respondent on 13.10.2022. The petitioner had given a representation on 28.10.2022.

2.It had been alleged that the said vehicle was used for transporting PDS rice in violation of the Rules. Section 6 of the Essential Commodities Act, 1955 deals with the procedure to be adopted, if a vehicle is seized for carrying commodities, which is essential for the purpose of public distribution.



3.Commodities for public distribution cannot be transported by a private party to a private party. If it is done so, the vehicle is seized. For release of the said vehicle, necessary provisions are given in the said Act under Section 6(A) of the Act, wherein, the value of the commodity is assessed by the Revenue Divisional Officer and the petitioner will have to participate in that particular proceedings and will have to pay necessary charges in accordance with the calculation of the seized value of the commodity.

4.Let the petitioner therefore participate in such proceedings. Let such notice to be issued by the Revenue Divisional Officer to the petitioner.

5.The learned counsel for the petitioner drew my attention to order dated 22.7.2022 in ***W.P.No.7070 of 2022, K.Ratheesh Vs. The District Revenue Officer, Nagapattinam and another***, wherein a learned Single Judge of this Court had given necessary directions that the petitioner therein should deposit a sum of Rs.20,000/- and give an unconditional undertaking to the first respondent, that he shall not alienate or encumber the vehicle in question and after following the conditions therein, the vehicle can be released.



6. However, the procedure as enunciated by the statute will have to be followed and this Court can only give an outer time limit within which the said proceedings can be completed namely, on or before 31.01.2023. Let the petitioner participate in such proceedings and pay the necessary amount and collect back the vehicle after giving necessary undertakings.

7. With the above observations, the Writ Petition stands disposed of.
No costs.

14.12.2022

Index: Yes/No
Internet: Yes/No
smv

To

1. The District Revenue Officer,
Nilgiris.

2. The Inspector of Police,
CSCID Police,
Nilgiris.



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C.V.KARTHIKEYAN,J.

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