



WEB COPY



W.P.Nos.27717 & 27718 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.Nos.27717 & 27718 of 2023

Soniya

... Petitioner in both W.Ps

Vs.

1.The District Revenue Officer
Tiruvallur, Tiruvallur District

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

3.The District Supply Officer
Thiruvallur
(This Court suomotu impleaded
vide its order dated 22.09.2023)

... Respondents in both W.Ps

COMMON PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to release the Ashok Leyland Tarus Lorry (12 wheels) bearing Registration No.TN-04-AZ-7655 and TATA Lorry (12 Wheels) bearing Registration No.TN-76-Q-0843 seized by the 2nd respondent on 06.09.2023 to the petitioner.

For Petitioner

: Mr.C.Prakasam - in both W.Ps.



W.P.Nos.27717 & 27718 of 2023

For Respondents

: Mr.C.Kathiravan
Spl. Government Pleader - R1 & R3

Mr.N.Muthuvel
Government Advocate (Crl. Side) - R2

COMMON ORDER

The District Supply Officer (D.S.O.), Thiruvalur District, vide its notice dated 21.09.2023 has fixed an enquiry under Section 6(B) of the Essential Commodities Act on 18.10.2023 at 4.00 p.m. The petitioner is now required to appear before him for the enquiry and he is at liberty to raise all contentions which are available for him to defend himself in the matter.

2.Since the vehicle is kept in the custody of the respondents for considerable length of time, this Court directs the D.S.O. to hold that enquiry on 05.10.2023 at 4.00 p.m.

3.Learned counsel for the petitioner submitted as per statute only the District Collector / D.R.O. has a power to pass an order of confiscation or impose penalty and the District Supply Officer does not have any authority.



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4.Learned Government Advocate on instructions submits that D.R.O. has only required the D.S.O. to hold an enquiry but the final order will be passed only by the D.R.O.

5.This Court now directs the D.R.O. to pass his final proceedings on or before 10.10.2023.

6.These writ petitions stand disposed of accordingly. No costs.

27.09.2023

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To

1.The District Revenue Officer
Tiruvallur, Tiruvallur District

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

3.The District Supply Officer
Thiruvallur



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N.SESHASAYEE, J.

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