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W.P.No.10931 of 2005

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2023

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10931 of 2005 and

W.M.P.No.11895 of 2005

K.Iniyadalayan

.. Petitioner

VS

1. The State of Tamil Nadu
Rep. by its Secretary
Cooperation, Food and Consumer
Protection (J-1) Department
Fort St. George, Chennai – 9.

2. The Commissioner of Civil Supplies and
Consumer Protection Department
Chepauk, Chennai – 5.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus, calling the entire records in connection with the impugned orders passed by the first respondent herein in G.O.Ms.No.135 dated 14.04.2004 and to quash the same and to direct the first respondent to return the 600 litres of diesel which confiscated on 19.07.1994 by the Food Cell, controlled by erstwhile District Collector, Cuddalore.



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For the Petitioner : Mr.M.Arumugam

For the Respondents : Mr.Abishek Murthy
Government Advocate
for respondents 1 & 2

ORDER

The confiscation order passed by the Government in G.O.Ms.No.135 dated 14.04.2004 is under challenge in the present writ petition.

2. The writ petitioner was possessing diesel engine for irrigation purposes in respect of the land owned by him to an extent of fifty acres in Avanipur village. The petitioner was owning a tractor with trailer for his irrigation and transport purposes. That apart, he was running a kerosene distributorship in his village, Avanipur, Tindivanam Taluk under the license No.SA.88 issued by the District Collector under the provisions of the Tamil Nadu Motor Spirit and H.S.D Oil (Maintenance and Regulation of Supplies) order 1980, for distribution of kerosene to the ration card holders.

3. The petitioner purchased six hundred litres of diesel through



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various dealers of HPC at Tindivanam, to be used for his agricultural purposes. On 19.07.1994, the Food Cell Authorities of Cuddalore District conducted an inspection and thereafter confiscated the six hundred litres of diesel HSD and have taken the articles in their possession. The petitioner was summoned by the District Revenue Officer, Cuddalore for giving statements. The petitioner appeared and had given his statements. Thereafter, the impugned order was passed by the District Revenue Officer in proceedings dated 19.03.1995. Challenging the said order, the petitioner preferred an appeal to the Government and the said appeal was rejected through impugned G.O.Ms.No.135 dated 14.04.2004.

4. The learned counsel for the petitioner mainly contended that the petitioner has purchased the diesel for his own purpose and more specifically, for irrigation purpose and therefore, confiscation made by the Food Cell Authorities was illegal and not in accordance with law.

5. The writ petition was filed in the year 2005, challenging the



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rejection order passed by the Government on 14.04.2004. Eighteen and a half years lapsed, thus, the relief as such sought for to return six hundred litres of diesel at this length of time cannot be considered by this Court. The order impugned states that the diesel was kept unauthorizedly by the petitioner and therefore, it was seized by the orders. The Government also considered the grounds raised by the petitioner and rejected the appeal on the ground that there is no valid reason for the purpose of releasing the confiscated diesel during the relevant point of time.

6. On account of efflux of time, the diesel confiscated in the year 2004 cannot be directed to be released at this length of time and this Court do not find any infirmity in respect of the orders passed by the Government at that point of time. However, in respect of the license or permission, the petitioner is at liberty to approach the competent authorities in the manner known to law.

7. With these observations, the writ petition stands disposed of.



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Consequently, the connected miscellaneous petition is closed. There will be no order as to costs.

Index : Yes/No
Neutral Order:Yes/No

21.03.2023

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To:

1. The Secretary
The State of Tamil Nadu
Cooperation, Food and Consumer
Protection (J-1) Department
Fort St. George, Chennai – 9.
2. The Commissioner of Civil Supplies and
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Chepauk, Chennai – 5.



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S.M.SUBRAMANIAM,J.

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