



W.P(MD)No.1816 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.1816 of 2022
and
W.M.P(MD)No.1604 of 2022

M.Kalamani

... Petitioner

Vs.

1.The District Revenue Officer -Cum-

Additional District Executive Magistrate,

Nagercoil,

Kanyakumari District.

2.The District Supply and Consumer Protection Officer,

Collectorate Complex,

Nagercoil,

Kanyakumari District.



W.P(MD)No.1816 of 2022

3.The Inspector of Police
Civil Supplies CID,
Kuzhithurai Unit,
Nagercoil,
Kanyakumari District.
In Crime No.138 of 2021.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus challenging the order passed by the first respondent in Na.Ka.Oo.1/33332/2021, dated 17.11.2021 by imposing the onerous fine amount and set aside the same and consequently directing the respondents to release petitioner's vehicle TATA Tanker Lorry bearing Registration No.TN 66 S5999 and to hand over the same to him.

For Petitioner : Mr.R.Aravind Raj

For Respondents : Mr.J.Ashok - for R1 & R2
Additional Government Pleader

Mr.R.M.Sethuraman - for R3
Additional Public Prosecutor



W.P(MD)No.1816 of 2022

WEB COPY

ORDER

The order impugned is dated 17.11.2021 in Na.Ka.No.Oo1/33332/2021 by which, the first respondent, Revenue Divisional Officer/Additional District Executive Magistrate, Nagercoil, Kanyakumari District, had imposed as fine a sum of Rs.5,75,000/- (Rupees Five Lakhs Seventy Five Thousand only) for release of the Tata Tanker Lorry of the petitioner bearing Registration No.TN-66-S-5999.

2. The first respondent had come to a definite conclusion that the charge against the petitioner had been proved beyond reasonable doubt, when it is stated that the competent Jurisdictional Magistrate has not yet commenced trial. This finding by the first respondent necessarily has to be interfered with and has to be set aside. The matter is remitted back to the first respondent for fresh consideration for release of the said Tata Tanker Lorry.

3. Let such condition be imposed on the basis of earlier orders passed by this Court, and on the basis of records available, but



W.P(MD)No.1816 of 2022

certainly not come to a conclusion that the petitioner has committed the offence, unless the offence is proved. Independent appraisal of facts may be done. Such order has to be passed on or before 20.04.2023.

4. The writ petition stands allowed. The matter is remitted back to the first respondent for fresh consideration. No costs. Consequently, connected miscellaneous petition is closed.

08.03.2023

Index :Yes/No
Internet :Yes/No
NCC : Yes / No
rm



W.P(MD)No.1816 of 2022

To
WEB COPY

- 1.The District Revenue Officer -Cum-
Additional District Executive Magistrate,
Nagercoil,
Kanyakumari District.
- 2.The District Supply and Consumer Protection Officer,
Collectorate Complex,
Nagercoil,
Kanyakumari District.
- 3.The Inspector of Police
Civil Supplies CID,
Kuzhithurai Unit,
Nagercoil,
Kanyakumari District
In Crime No.138 of 2021.



WEB COPY



W.P(MD)No.1816 of 2022

C.V.KARTHIKEYAN, J.

rm

W.P(MD)No.1816 of 2022

08.03.2023