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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.4320 of 2023

K.Sathiyakrishnan

... Petitioner

vs.

1.The District Revenue Officer,
Tenkasi District, Tenkasi.

2.The Regional Manager,
Tamilnadu Civil Supply Corporation,
Tenkasi.

3.The Sub Inspector of Police,
CS-CID Police Station,
Tirunelveli District, Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to release the 22 tons of boiled rice and the raw rice belongs to the petitioner seized it as if PDS rice in the vehicle inspection conducted regarding the illegal transportation by the third respondent on 22.01.2023 and to direct the first respondent to conduct the enquiry and complete it and to consider the petitioner's representation, dated 22.02.2023 within a stipulated time that may be fixed by this Court.



For Petitioner :Ms.A.K.Abiya
For Respondents :Mr.J.Ashok
Additional Government Pleader

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction to the respondents to release 22 tons of boiled rice and raw rice, which were seized on the premise that they were PDS in an inspection of vehicle conducted by the third respondent on 22.01.2023.

2.Heard Ms.K.Abiya, learned Counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader for the respondents.

3.The learned Counsel for the petitioner stated that there are necessary documents to show that the rice, which had been seized, had been purchased the petitioner.

4.This is a fact, which can be established only by the first respondent on conducting enquiry under various sub clauses of Section 6 of Essential Commodities Act, 1947. This Court under Article 226 of



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Constitution can never establish the fact whether the rice seized were purchased by the petitioner or were rice meant for public distribution.

5.A direction is given to the first respondent to commence the necessary enquiry and complete the same within a period of three months from the date of receipt of a copy of this order.

6.The order now issued is quite brief in nature, since deliberately I have not entered into any discussion on facts. The order is passed even though counter affidavit had been filed by the second and third respondents and the learned Special Government Pleader reiterated the stand that the seizure had been properly done and that rice were only PDS rice. But this is a fact, which can be independently examined by the first respondent during the course of enquiry. The Writ Petition stands disposed of. No order as to costs.

Index :Yes / No
Internet :Yes
NCC : Yes/No
cmr

12.06.2023

To

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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.4320 of 2023

12.06.2023