



W.P(MD)No.21625 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.21625 of 2023

Petchiammal

... Petitioner

Vs

1.The District Revenue Officer,
Sivagangai,
Sivagangai District.

2.The Inspector of Police,
Civil Supplies CID – Madurai,
Sivagangai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to release the petitioner's ASHOK LEYLAND LTD DOST PLUS RLS bearing Registration Number TN 92 H 3298 which was seized by the second respondent on 27.10.2022.

For Petitioner	: Mr.R.J.Karthick
For R1	: Mr.P.T.Thiraviam Government Advocate
For R2	: Mr.P.Kottaichamy Government Advocate



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ORDER

The petitioner is the owner of Ashok Leyland Ltd Dost plus RLS, bearing Registration Number TN 92 H 3298 and the same was seized by the second respondent on the allegation that it was used for illegal transportation of 1880 kgs of PDS rice and registered a case in Crime No.143 of 2022, dated 28.10.2022, for the offences under Section 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Order 1982 and Section 7(1) (a) (ii) of the Essential Commodities Act, 1955 as against one Priya, W/o Gandhivanam. According to the petitioner, she is not an accused in that crime number.

2.The learned counsel appearing for the petitioner submits that the petitioner and her husband were doing vegetables and goods carrying business by using the above said vehicle. Due to financial crisis, they have mortgaged the vehicle to one Thamotharan for a sum of Rs.1,20,000/- on 14.09.2022. Thereafter, they have paid



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the entire loan amount and requested to return the vehicle. Since the said Thamotharan refused to return the vehicle, the petitioner preferred a complaint against him before the Inspector of Police, Seidunganallur Police Station and the same was taken on file in CSR No.45 of 2023, dated 08.02.2023. Later, she came to know that her vehicle was seized by the second respondent for the above said allegation. At present, the vehicle is under the custody of the first respondent. On 16.02.2023, the petitioner submitted a representation to the Superintendent of Police, Sivagangai District. Since no action has been taken by them, the petitioner approached the District Revenue Officer, Sivagangai and filed this writ petition for a Mandamus to direct the first respondent to release the petitioner's vehicle.

3.Mr.P.T.Thiraviam, learned Government Advocate, who takes notice for the first respondent by referring the proceedings initiated under Section 6B of the Essential Commodities Act,1955 submits that the District Revenue Officer has already initiated an



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enquiry for confiscation of the vehicle as per section 60 of the Essential Commodities Act,1955 and notice was issued to the petitioner on 12.07.2023. However, it was returned as no such addressee. According to the learned Government Advocate, the petitioner is evading the proceedings before the District Revenue Officer and filed this writ petition.

4.Mr.P.Kottaichamy, learned Government Advocate, who takes notice for the second respondent submits that on the disputed vehicle one Sevugaperumal has filed a writ petition before this Court in W.P(MD) No. 898 of 2023 and this Court has passed an order, granting interim custody of the vehicle in favour of the said Sevugaperumal on 12.01.2023. Therefore, this petitioner is not having any *locus* to file this writ petition.

5.This Court considered the rival submissions made.



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6.The District Revenue Officer, Sivagangai/ the first respondent has invoked Section 6B of Essential Commodities Act, on the disputed vehicle, wherein, summons was issued to the petitioner for the appearance of an enquiry. The petitioner claims that the summon issued to the petitioner was returned as no such addressee. It is to be noted that the District Revenue Officer, Sivagangai has issued the summons on 12.07.2023 to the petitioner's address, Tmt.Petchiammal, W/o Paramasivam, 468, North Street, Vellamadam, Vadakkur, Pillayanmanai, Nasareth, Tuticorin District – 628 617. This writ petition is filed on the same address. It is not known when the address is similar how the notice issued by the first respondent to the petitioner was returned as no such addressee.

7.Considering the fact that the enquiry has already been contemplated by the District Revenue officer as per Section 6B of the Essential Commodities Act,1955 and also considering the fact that the interim custody of the disputed vehicle has already been taken by the one Sevugaperumal in another writ petition, this writ



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petition is dismissed with a liberty to the petitioner to work out her remedy, if any, before the District Revenue Officer, Sivagangai in the proceedings, which is pending in. 6/3572/2023, dated 12.07.2023. The first respondent shall consider his case based on the materials, if any, provided by her at that relevant point of time. No costs.

05.09.2023

NCC :Yes/No

Index :Yes/No

Internet:Yes

vrn

To

- 1.The District Revenue Officer,
Sivagangai,
Sivagangai District.
- 2.The Inspector of Police,
Civil Supplies CID – Madurai,
Sivagangai.



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B.PUGALENDHI, J.

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