



W.P(MD)No.26322 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2023

CORAM

THE HONOURABLE **MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.26322 of 2019

and

W.M.P(MD)Nos.22747, 22749 & 22750 of 2019

Kalaiselvam

... Petitioner

Vs.

1.The Commissioner,
Civil Supplies and Consumer Protection Department,
Chepauk,
Chennai-600 005.

2.The District Revenue Officer cum
Additional District Executive Magistrate,
Virudhunagar,
Virudhunagar District.

3.The Inspector of Police,
C.S.C.I.D.,
Virudhunagar,
Virudhunagar District.

4.J.S.A.Traders,
Anappuram Old Market,
Kannadi Post,
Palakkad-678 701,
Kerala.

5.The District Civil Supplies and
Consumer Protection Officer,
Virudhunagar District.

... Respondents



W.P(MD)No.26322 of 2019

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the second respondent dated 27.09.2018 in Na.Ka.C.S.2/33394/2017; consequential proceedings dated 30.01.2019 in Na.Ka.C.S.2/8811/2018; and the auction proceedings of the first respondent dated 26.03.2019 in Na.Ka.No.Ka1/22289/2018 in respect of the petitioner's vehicle bearing Reg.No.TN-69-AL-9307 Bolero Pickup Plus and quash them all and issue a consequential direction to the respondents to grant the custody of the vehicle bearing Reg.No.TN-69-AL-9307 Bolero Pickup to the petitioner forthwith.

For Petitioner : Mr.N.Dilip Kumar

For R-1, R-2
& R-5 : Mr.M.Lingadurai
Special Government Pleader

For R-3 : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)

For R-4 : No appearance

ORDER

Heard the learned Counsel for the writ petitioner and the learned Special Government Pleader appearing for the official respondents. The private respondent has not entered appearance even though they have been served.

2. The petitioner questions the impugned confiscation order primarily on the ground that the procedure set out in Section 6B of the Essential



W.P(MD)No.26322 of 2019

Commodities Act, 1955 was not followed. I went through the contents of the confiscation order. The petitioner was not put on notice. The procedure set out in Section 6B was not followed. In this view of the matter, the orders impugned in the writ petition are set aside. The matter is remitted back to the file of the second respondent to pass order afresh on merits and in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order. This writ petition stands allowed on these terms. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

02.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Btr

To

- 1.The Commissioner,
Civil Supplies and Consumer Protection Department,
Chepauk,
Chennai-600 005.
- 2.The District Revenue Officer cum
Additional District Executive Magistrate,
Virudhunagar,
Virudhunagar District.



W.P(MD)No.26322 of 2019

3.The Inspector of Police,
C.S.C.I.D.,
Virudhunagar,
Virudhunagar District.

4.J.S.A.Traders,
Anappuram Old Market,
Kannnadi Post,
Palakkad-678 701,
Kerala.

5.The District Civil Supplies and
Consumer Protection Officer,
Virudhunagar District.



WEB COPY



W.P(MD)No.26322 of 2019

G.R.SWAMINATHAN, J.

Btr

W.P(MD)No.26322 of 2019

and

W.M.P(MD)Nos.22747, 22749 & 22750 of 2019

02.02.2023