



W.P(MD)No.28847 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28847 of 2023

and

W.M.P.(MD)Nos.24892 and 24893 of 2023

T.Senthilkumar

... Petitioner

Vs.

1.The District Revenue Officer / District
Supply and Consumer Protection Officer,
Pudukkottai, Pudukkottai District.

2.The Inspector of Police,
Civil Supplies CID-Madurai,
Pudukkottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned order passed by the 1st respondent in Na.Ka.35227/2021/K3 dated 06.03.2023 thereby imposing penalty Rs.1,20,000/- (Rupees One Lakh and Twenty Thousand Only) on the vehicle bearing registration No.TN 49 BV 0680 and quash the same as illegal and arbitrary.



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For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.S.RA.Ramachandran,
Addl. Government Pleader for R1.
Mr.A.Albert James,
Government Advocate for R2.

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ORDER

Heard both sides.

2.The petition mentioned vehicle was involved in Crime No.43 of 2021 registered on the file of the second respondent. Interim custody was granted to the petitioner vide order dated 03.08.2022 in W.P.(MD)No.17265 of 2022. The petitioner is the vehicle owner. By the impugned proceedings, the petitioner has been called upon to pay a sum of Rs.1,20,000/- in lieu of confiscation of the vehicle. Challenging the same, the present writ petition came to be filed.

3.Section 6A(1) of the Essential Commodities Act, 1955 is as follows:-



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“[6A. Confiscation of essential commodity.- [(1)]

Where any [essential commodity is seized] in pursuance of an order made under section 3 in relation thereto, [a report of such seizure shall, without unreasonable delay, be made to] the Collector of the district or the Presidency town in which such [essential commodity is seized] and whether or not a prosecution is instituted for the contravention of such order, the Collector [may, if he thinks it expedient so to do, direct the essential commodity so seized to be produced for inspection before him, and if he is satisfied] that there has been a contravention of the order [may order confiscation of-

- (a) the essential commodity so seized;*
- (b) any package, covering or receptacle in which such essential commodity is found; and*
- (c) any animal, vehicle, vessel or other conveyance used in carrying such essential commodity:]*

Provided that without prejudice to any action which may be taken under any other provision of this Act, no foodgrains or edible oilseeds in pursuance of an order made under section 3 in relation thereto from a producer shall, if the seized foodgrains or edible oilseeds have been produced by him, be confiscated under this section:

[Provided further that in the case of any animal, vehicle, vessel or other conveyance used for the carriage of goods or passengers for hire, the owner of such animal, vehicle, vessel



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or other conveyance shall be given an option to pay, in lieu of its confiscation, a fine not exceeding the market price at the date of seizure of the essential commodity sought to be carried by such animal, vehicle, vessel or other conveyance.]

3. Section 6A(1) of the Act provides for confiscation of essential commodities as well as the vehicle used for transportation. Section 6B of the Act provides for issuance of show cause notice before confiscation. Since in this case, such a show cause notice was not issued, the impugned order is set aside. The matter is remitted to the file of the first respondent to pass an order afresh on merits and in accordance with law. The first respondent shall bear in mind the mandate set out in Section 6B of the Act.

4. This writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

07.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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