



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18-01-2024

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THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

**WP No.12660 of 2015
And
WMP Nos.1 and 2 of 2015**

1.V.P.Baskaran
2.Abubaucker

.. Petitioners

-VS-

The District Revenue Officer,
Ooty,
The Nilgiris District.

.. Respondent

Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the respondent in his proceedings Na.Ka.K2.14798/2011 dated 30.09.2013 and quash the same in so far relates to fine amount.



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For Petitioners : Mr.C.Prakasam
For Respondent : Mr.G.Ameedius,
Government Advocate.

ORDER

The order of the District Revenue Officer, Nilgiris District at Udhagamandalam dated 30.09.2013 imposing fine for release of two lorries bearing Registration Nos.TN-30-H-9811 and TN-43-Z-5556, is under challenge in the present writ proceedings.

2. The petitioners are the registered Transport Contractors at Tamil Nadu Civil Supplies Corporation and transporting PDS rice from Food Corporation of India, Coimbatore Godown to Gudalur and Pandalur on 04.05.2011.

3. The police intercepted the lorries and conducted an inspection. During the course of inspection, the Police Authorities found certain inconsistencies in respect of the documents produced by the



petitioners and on verification, the Authorities identified inconsistencies in transporting PDS rice from Food Corporation of India, Coimbatore Godown to Gudalur and Pandalur.

4. The Inspector of Police, Devala Police Station has confronted with contradictory bills for the two consignments in the lorries; inconsistency in the actual quantity of rice bags and also the lorries did not possess any valid documents relating to the vehicles. The Inspector of Police summoned the Taluk Supply Officer, Gudalur to the Inspection Site for verification of the consignments.

5. The Taluk Supply Officer after inspecting the consignments, raised suspicion that the rice meant for PDS within the Tamil Nadu State were stealthily attempted to be transported to Kerala State. The drivers have confessed that the petitioners are the owners of the said lorries and that they had been habitually smuggling PDS rice to Kerala State by manipulating the bills and that the rice bags found in the lorries were loaded from a Godown at Coimbatore on 04.05.2011 for being transported to Kerala State through Nadugani-Nelambur border.



6. The Inspector of Police recorded the confession statement of the drivers in the presence of Taluk Supply Officer and his Assistant; registered FIRs against them in Devala Police Station in Crime Nos.111 of 2011 and 112 of 2011 for offences under Rule 6(4) of TNCSC Order 1982 read with Section 7(1)(a)(ii) of the Essential Commodities Act, 1955; arrested the accused drivers and cleaners and after seizure of lorries, handed over the rice bags to the Tamil Nadu Civil Supplies Corporation, the Nilgiris Region on 07.05.2011. The rice samples were sent to TNCSC, Coimbatore Region for testing purposes. The TNCSC, Coimbatore Region certified that 640 bags of rice seized from the abovesaid two lorries were rice meant for Public Distribution System.

7. The allegations raised against the accused persons are serious in nature and the criminal case has been registered against them. The petitioners filed an application for release of their lorries and the District Revenue Officer conducted a detailed enquiry. Considering the facts and circumstances, the District Revenue Officer imposed fine of Rs.99,999/- for release of the abovesaid two lorries.



8. Since the criminal case is pending and admittedly, the disputed facts relating to the allegations cannot be adjudicated in the writ proceedings under Article 226 of the Constitution of India. Such issues relating to criminal offences are to be adjudicated with reference to the documents and evidences and by conducting trial.

9. The District Revenue Officer conducted an enquiry only for the limited purpose. Considering the claim of the petitioners for release of lorries, the District Revenue Officer (DRO) has adopted a balanced approach by imposing fine of Rs.99,999/- for release of abovesaid two lorries, which cannot be found to be perverse. Such an approach in order to protect the public interest is tenable and therefore, this Court do not find any reason to interfere with the order impugned. Further relief, if any, for the petitioners, can be sought for only after disposal of the criminal case pending before the Competent Criminal Court of Law.



10. The learned Government Advocate, appearing on behalf of the respondent, brought to the notice of this Court that the criminal case pending against the petitioners was registered in the year 2011. Therefore, the respondent is directed to initiate all appropriate actions to expedite the criminal case registered against the petitioners and ensure proper conduct of trial in the manner known to law.

11. With the above observations, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also dismissed.

18-01-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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To

The District Revenue Officer,



Ooty,
The Nilgiris District.

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