



WEB COPY



W.P.No.7669 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.7669 of 2022

M.Suryakumar

...Petitioner

-Vs -

1. The District Revenue Officer,
District Collectorate,
Krishnagiri District.

2. The Inspector of Police,
CSCID Police Station,
Krishnagiri District.
(Crime No.11/2022)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to release the petitioner's TATA ACE in KA-09-D-9630 forthwith which was seized by the second respondent in Crime No.11 of 2022, on 23.01.2022 keeping under the custody of the first respondent by considering the petitioner's representation dated 09.03.2022.

For Petitioner : Mr.M.Jayachandran

For Respondents : Mr.S.J.Mohamed Sathik
Government Advocate



W.P.No.7669 of 2022

ORDER

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This writ petition has been filed for direction directing the respondents to release the petitioner's TATA ACE vehicle in KA-09-D-9630 forthwith which was seized by the second respondent in Crime No.11 of 2022, on 23.01.2022, keeping under the custody of the first respondent.

2. The petitioner owned TATA ACE vehicle bearing registration No.KA09-D-9630, which was purchased by availing loan. The second respondent conducted regular ride and vehicle check up and found that the petitioner's vehicle was carried 2000 Kg of PDS rice. Therefore, the vehicle was seized and FIR has been registered in Crime No.11 of 2022 for the offence punishable under Section 6(iv) TNSC (RDCS) Order 1962 r/w 7(i)(a)(ii) of Essential Commodities Act. Thereafter, the petitioner submitted representation to release his vehicle and the same was not considered. Hence, the present writ petition.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



W.P.No.7669 of 2022

4. On perusal of the counter filed by the first respondent revealed that the petitioner was issued with summons on various dates viz., on 20.05.2022, 12.06.2022, 13.12.2022 & 02.08.2023. Even then, the petitioner did not appear for enquiry. That apart, the offence committed by the petitioner is grave and serious in nature. In spite of several summons issued to the petitioner, he failed to come forward for enquiry. Finally, the enquiry was posted on 14.03.2024 to attend the enquiry and also to submit explanation. Even then, the petitioner did not appear on 14.03.2024.

5. Further, there are no valid records or permit in the vehicle for the transport of rice in the vehicle or with the driver of the vehicle. The driver bluffed and not stated anything about the presence of the rice in the vehicle. Therefore, the crime has been registered and entire rice has been seized along with vehicle in Crime No.11 of 2022 for the offences under Section 6(iv) TNSC (RDCS) Order 1962 r/w 7(i)(a)(ii) of Essential Commodities Act.

6. Therefore, the prayer sought for in this writ petition cannot



W.P.No.7669 of 2022

be considered. The second respondent is directed to pass appropriate orders to confiscate the vehicle in accordance with law. Accordingly, the Writ Petition stands disposed of. There shall be no orders as to costs.

01.04.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts



W.P.No.7669 of 2022

To
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W.P.No.7669 of 2022

G.K.ILANTHIRAIYAN. J.

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W.P.No.7669 of 2022

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