



WEB COPY

W.P.No.15567 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2024

CORAM

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P.No.16429 of 2024

1 Addepalli Srinivasa Rao

... Petitioner

Vs

1 The District Revenue Officer
Coimbatore Coimbatore District.

2 The Inspector Of Police
Civil Supplies Cid Pollachi Coimbatore
District.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus Directing the 1st respondent to release the 360 bags of rice each 50 kg and 80 bags of rice each 26 kg seized from Lorry bearing Registration No. TN-69-AF-7834 by the 2nd respondent on 09.04.2024 to the petitioner on furnishing immovable property security.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.U.Baranidharan

Additional Government Pleader - R1

Mr.S.Vinoth Kumar

Government Advocate (Crl. Side) - R2



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ORDER

Read this order in continuation of and in conjunction with order dated 21.06.2024 that reads as follows:

Mr.U.Baranidharan, learned Additional Government Pleader accepts notice for R1 and Mr.S.Vinodh Kumar, learned Government Advocate (Crl.Side) accepts notice for R2. They seek some time to obtain instructions and file a counter.

2. The prayer is for release of PDS rice. The lorry in which the PDS rice had been taken had been seized, and aggrieved by the same, W.P.No.15567 of 2024 has been filed seeking release of lorry.

3. The aforesaid Writ Petition was taken up for admission on 18.06.2024, when the following order was passed:

Mr.U.Baranidharan, learned Additional Government Pleader accepts notice for R1 and Mr.S.Vinoth Kumar, learned Government Advocate (Crl.Side) accepts notice for R2. Both learned counsel would raise objection to the grant of the petitioner's prayer.

2. Learned counsel for R2 would allege suppression of material facts insofar as he states that the petitioner, who was the owner-cum-driver of the vehicle which had been found carrying PDS rice of a value of Rs.4.13 lakhs (approx.), was remanded and is now on bail. He states that the affidavit is silent in regard to these facts and hence the petitioner has not approached this Court with clean hands.

3. Learned counsel for R1 would submit that enquiry



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under Section 6-B of the Essential Commodities Act, 1955 is scheduled on 08.07.2024.

4. In light of the aforesaid, the petitioner is directed to co-operate and participate in the enquiry on 08.07.2024. The outcome of the enquiry will be reported to this Court on the next date of hearing.

5. List on 10.07.2024 at the end of admission list. Written instructions/counter by then with an advance copy served upon the petitioner.

4. In view of the fact that both cause of action are connected, the aforesaid order is taken to be passed in this Writ Petition as well.

5. List on 10.07.2024 along with W.P.No.15567 of 2024 at the end of admission list. Written instructions/counter by then with an advance copy served upon the petitioner.

2. Learned Additional Government Pleader, on instructions, would submit that the enquiry was commenced on 08.07.2024 when the petitioner did not appear at all and in order to afford him one more opportunity, it has been adjourned to 15.07.2024.

3. In light of the aforesaid, there is no merit in the Writ Petition and it is for the petitioner to appear before the authorities and convince them of the merits of the matter.

4. This Writ Petition is dismissed. No costs.

sl
Index:Yes/No
Speaking order:Yes

10.07.2024
(2/2)



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Neutral Citation:Yes

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Dr.ANITA SUMANTH,J.

Sl

To

- 1 The District Revenue Officer
Coimbatore Coimbatore District.
- 2 The Inspector Of Police
Civil Supplies Cid Pollachi Coimbatore
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