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W.P.Nos.30302 and 30305 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.30302 and 30305 of 2024

And

**W.M.P.Nos.32986, 32987, 32989, 32991, 32994
and 32996 of 2024**

Addepalli Srinivasa Rao
K.Mani

... Petitioner in W.P.30302/2024
... Petitioner in W.P.30305/2024

Vs.

1.The District Revenue Officer,
Coimbatore,
Coimbatore District.

2.The Inspector of Police,
Civil Supplies C.I.D.
Pollachi,
Coimbatore District.

... Respondents in both the W.Ps.

Prayer in W.P.No.30302 of 2024:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the first respondent in her proceedings Na.Ka.1451/2024/Ki3, dated 28.09.2024 and quash the same and consequently directing the first respondent to release the



W.P.Nos.30302 and 30305 of 2024

360 bags of rice each 50 kg and 80 bags of rice each 26 kg seized

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from Lorry bearing Registration No.TN-69-AF-7834 by the second respondent on 09.04.2024 to the petitioner on furnishing immovable property security.

Prayer in W.P.No.30305 of 2024:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the first respondent in her proceedings Na.Ka.1451/2024/Ki3, dated 28.09.2024 and quash the same and consequently directing the first respondent to release the Lorry bearing Registration No.TN-69-AF-7834 seized by the second respondent on 09.04.2024 to the petitioner.

For Petitioners : Mr.C.Prakasam

For Respondents : Mr.U.Baranidharan for R1
Additional Government Pleader
Mr.L.Baskaran for R2
Government Advocate (Crl. Side)

COMMON ORDER

W.P.No.30302 of 2024 has been filed seeking issuance of Writ of Certiorarified Mandamus calling for the entire records relating to the



W.P.Nos.30302 and 30305 of 2024

impugned order passed by the first respondent in her proceedings Na.Ka.1451/2024/Ki3, dated 28.09.2024 and quash the same and consequently directing the first 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 second respondent on 09.04.2024 to the petitioner on furnishing immovable property security.

2.W.P.No.30305 of 2024 has been filed seeking issuance of Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the first respondent in her proceedings Na.Ka.1451/2024/Ki3, dated 28.09.2024 and quash the same and consequently directing the first respondent to release the Lorry bearing Registration No.TN-69-AF-7834 seized by the second respondent on 09.04.2024 to the petitioner.

3.The learned counsel appearing for the petitioners would submit that the petitioner in W.P.No.30302 of 2024 is a wholesale rice merchant at Andhra Pradesh and is having own rice mill in the name and style of Lakshmi Tata Raw Rice Mill. The petitioner in W.P.No.30305 of 2024 is the owner of the Lorry bearing Registration



W.P.Nos.30302 and 30305 of 2024

No.TN-69-AF-7834 and on 08.04.2024, he was engaged by Lakshmi Tata Raw Rice Mill for transporting 360 bags of rice each 50 kg and 80 bags of rice each 26 kg from Madipadu, Andhra Pradesh to Palakkad, Kerala and when the lorry reached Madukkarai Tollgate, it was seized by the second respondent.

4.The learned counsel appearing for the petitioners further submitted that the subject vehicle was seized on the allegation that the vehicle was involved in illegal transportation of PDS rice. However, the rice in the subject vehicle is not PDS rice and it belongs to the petitioner in W.P.No.30302 of 2024. Hence, the petitioners filed W.P.Nos.16429 and 15567 of 2024 respectively and pursuant to the orders passed by this Court in the said writ petitions dated 10.07.2024, the first respondent has passed the impugned order confiscating the entire rice seized and imposing penalty of Rs.6 Lakhs for the vehicle.

5.The learned counsel appearing for the petitioners would further submit that as against the impugned order, there is effective appeal remedy available to the petitioners under Section 6 C of the Essential Commodities Act and further submitted that the petitioners are ready



W.P.Nos.30302 and 30305 of 2024

to exhaust the appeal remedy and to file affidavit to that extent before the respondents.

6.The learned counsel appearing for the petitioners would further submit that the seized rice was already confiscated and the seized vehicle is now being kept in open place and due to exposure of sun and rain and the vagaries of nature, the vehicle will lose its value and may, ultimately become a wreck and worthless and further submitted that the petitioner, without prejudice to his rights and contentions, is ready to deposit a sum of Rs.3,50,000/- before the first respondent and on such deposit being made, the first respondent may be directed to release the vehicle.

7.Heard the submissions made by the learned counsel appearing for the petitioners as well as the learned Additional Government Pleader appearing for the first respondent and the learned Government Advocate appearing for the second respondent.

8.Admittedly, the vehicle of the petitioner in W.P.No.30305 of 2024 was seized on the premise that it was allegedly involved in illegal



W.P.Nos.30302 and 30305 of 2024

transportation of PDS rice. Keeping the vehicle idle will no longer serve any purpose. Hence, this Court issues direction to release the vehicle of the petitioner in W.P.No.30305 of 2024 namely, Lorry bearing Registration No.TN-69-AF-7834, on the following conditions:

(i)The petitioner in W.P.No.30305 of 2024, without prejudice to his rights and contentions shall deposit a sum of Rs.3,50,000/- (Rupees Three Lakhs and Fifty Thousand Only) before the first respondent within a period of two weeks from the date of receipt of a copy of this order;

(ii)The petitioner in W.P.No.30305 of 2024 shall give an unconditional undertaking to the first respondent that he shall not alienate or encumber the vehicle in question without permission of the jurisdictional Magistrate till the completion of the confiscation proceedings;

(iii)The petitioner in W.P.No.30305 of 2024 shall not change the colour and scheme of the vehicle;

(iv)The petitioner in W.P.No.30305 of 2024 shall not use the vehicle for any illegal activities;

(v)Before releasing the vehicle, the Police Authority shall take photographs of the vehicle at the cost of the petitioner in W.P.No.30305 of 2024;



W.P.Nos.30302 and 30305 of 2024

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(vi)The petitioner in W.P.No.30305 of 2024 shall produce all xerox copies of the documents pertaining to the ownership of the seized vehicle to the first respondent;

(vii)As and when the respondents call for the vehicle for enquiry, the petitioner in W.P.No.30305 of 2024 has to produce the vehicle in question and he shall cooperate with the enquiry to be conducted by the respondents.

9.Upon completion of the above mentioned formalities (i) to (vi), the second respondent shall release the vehicle of the petitioner in W.P.No.30305 of 2024 namely, Lorry bearing Registration No.TN-69-AF-7834 to the petitioner in W.P.No.30305 of 2024 forthwith without any delay. If the undertaking given by the petitioner in W.P.No.30305 of 2024 is breached, the petitioner in W.P.No.30305 of 2024 will not be entitled to interim release of the vehicle in future. The confiscation proceedings initiated against the seized vehicle is subject to the result of the appeal to be filed by the petitioners.

10.This Court makes it clear that if the petitioners does not prefer appeal before the competent Court by way of CMA under



W.P.Nos.30302 and 30305 of 2024

Section 6 C of the Essential Commodities Act, within a period of four weeks from the date of receipt of a copy of this order, the balance penalty amount imposed on the lorry shall be recovered from the petitioners in the manner known to law.

11.The writ petitions are disposed of with the above directions.
No costs. Consequently, the connected miscellaneous petitions are closed.

18.10.2024

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Note: Issue order copy on 21.10.2024
Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

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Coimbatore District.
- 2.The Inspector of Police,
Civil Supplies C.I.D.
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