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W.A.(MD) No.620 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD) No.620 of 2018
and
C.M.P.(MD) No.3407 of 2018**

The Inspector of Police
Civil Supplies Crime
Investigation Department
Madurai District

... Appellant

-vs-

1.Magabu John

2.The District Revenue Officer
Sivagangai District, Sivagangai
[R2 is an official respondent in W.P.(MD)
No.14181 of 2014 but he is not a
necessary party for the above writ appeal
and he is given up]

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 27.08.2014, passed in W.P.(MD) No.14181 of 2014, on the file of this Court.

For Appellant : Mr.A.Kannan
Additional Government Pleader

For Respondents : No appearance for R1
R2 – Given up



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J U D G M E N T

[Judgment of the Court was made by A.D.JAGADISH CHANDIRA, J.]

This writ appeal is directed against the order, dated 27.08.2014, passed by this Court in W.P.(MD) No.14181 of 2014.

2. Learned Additional Government Pleader appearing for the appellant would submit that the respondent's vehicle was involved in transportation of PDS rice and a case was registered for the said offence under Section 7(1)(a)(ii) of Essential Commodities Act, 1955 and as per the provisions of the said Act, the vehicle, which involved in such offences, is liable for confiscation. However, the learned Single Judge had directed release of the vehicle, thereby, the impugned order is liable to be set aside.

3. Heard the learned Additional Government Pleader for the appellant and perused the materials available on record.

4. On perusal of the impugned order, we find that the learned Single Judge had directed release of the respondent's vehicle, which involved in the offence of transporting PDS rice. However, it does not preclude the



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authority concerned from initiating proceedings for confiscation of the vehicle as per the provisions of the Essential Commodities Act, 1955. We also find that no notice of confiscation was issued to the respondent on the date of disposal of the writ petition. Therefore, while confirming the order passed by the learned Single Judge, we are inclined to grant liberty to the authority concerned to initiate confiscation proceedings.

5. Accordingly, the writ appeal is dismissed and the order dated 27.08.2014, passed in W.P.(MD) No.14181 of 2014, is confirmed. However, the authority concerned is at liberty to initiate proceedings for confiscation of the respondent's vehicle in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

[A.D.J.C., J.]

[K.R.S., J.]

11.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The Inspector of Police,
Civil Supplies Crime
Investigation Department,
Madurai District.
- 2.The District Revenue Officer,
Sivagangai District,
Sivagangai.



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