



W.P.(MD)No.23118 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.23118 of 2024

Pudhiya Pandian

... Petitioner

Vs.

1.The District Supply Officer,
Collectorate Complex,
Thoothukudi District.

2.The Inspector of Police,
Civil Supplies C.I.D.,
Thoothukudi Unit,
Madurai.
In Crime No.15/2024.

3.The District Revenue Officer,
District Revenue Office,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents herein to forthwith release the petitioner's Bolero Maxx Pickup bearing Registration No.TN-96-H-4851 from their custody on the basis of the representation dated 23.08.2024.

For Petitioner	: Mr.R.Jagadeeshwaran
For R1 & R3	: Mr.A.Kannan Additional Government Pleader
For R2	: Mr.M.Vaikkam Karunanidhi Government Advocate (Crl.side)



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ORDER

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The petitioner has filed this writ petition seeking a direction to the respondents to release the petitioner's Bolero Maxx Pickup bearing Registration No.TN-96-H-4851 based on his representation dated 23.08.2024.

2.The petitioner is the owner of the vehicle bearing registration No.TN-96-H-4851. The vehicle has been used for carrying vegetables from market and for business purpose. On 07.02.2004, one Selvakmar took the vehicle for daily rent for carrying vegetables from the market. The petitioner gave his vehicle to him on trust. Later, the petitioner came to know that the vehicle was seized by the respondent in Crime No.15 of 2024 for the offence under Section 6(4) of the Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 r/w 7(1) (a)(ii) of the Essential Commodities Act, 1955. Hence, the petitioner made a representation before the respondents on 23.08.2024 seeking return of this vehicle. Since the has not been considered, the petitioner filed this writ petition.

3.The grievance of the petitioner is that the vehicle was not produced before the concerned Judicial Magistrate and no notice was issued to the petitioner till today.



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4. When this writ petition was taken up for admission, this Court had directed the second respondent to appear in person to show cause as to why the vehicle was not produced before the concerned Magistrate Court.

5. Pursuant to the earlier direction of this Court, the second respondent is present today, before this Court and explained that the the confiscation proceedings have been initiated and the lap report is awaited. Hence, the vehicle could not be produced before the concerned Judicial Magistrate Court. His statement is recorded.

6. The second respondent filed counter affidavit stating that as per Section 6(A) of the Essential Commodities Act, the District Collector has the power to confiscate any vehicle. Further, the petitioner was also convicted by the learned Judicial Magistrate No.IV, Thoothukudi in C.C.No.62 of 2023 on 02.12.2023 under the similar offence. Hence, the confiscation proceedings have been initiated. Therefore, he opposed this application.

7. The learned Additional Government Pleader also placed a notice to show that a notice was sent to the accused on 19.09.2024 informing about the



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initiation of confiscation proceedings. Thereafter, the matter was listed on 25.09.2024. However, no one was appeared. Instead, this writ petition has been filed.

8.In such view of the mater, let the petitioner appear before the District Supply Officer /first respondent and submit his explanation. Considering the explanation, the first respondent shall pass orders in accordance with law in the confiscation proceedings. If the petitioner is willing to pay any amount in lieu of penalty or fine, let the authorities consider release of vehicle on payment of such amount.

9.With the above direction, this writ petition is disposed of. No costs.

03.10.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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N.SATHISH KUMAR, J.

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