



W.P.(MD) No.22222 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD) No.22222 of 2017

T.Rajan

... Petitioner

Vs.

1.The District Revenue Officer,
Kanyakumari District,
Nagercoil.

2.The Inspector of Police,
Civil Supplies C.I.D,
Kuzhithurai at Nagercoil,
Kanyakumari District.

3.The Secretary,
Regional Transport Authority,
Marthandam,
Kanyakumari District.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the first respondent to return the original Registration Certificate pertaining to the Lorry bearing Reg.No.TN-74-6179 to enable the petitioner to get fitness certificate from the third respondent.



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For Petitioner : No appearance
For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

The petitioner has filed this writ petition for a mandamus directing the respondents to return the original Registration Certificate pertaining to the Lorry bearing Reg.No.TN-74-6179 to enable the petitioner to get fitness certificate from the third respondent.

2.When this writ petition is taken up for hearing, there is no representation for the petitioner.

3.The learned Special Government Pleader appearing for the respondents, based on the written instructions, submits that this vehicle bearing Registration No.TN-47-6179 was seized by the Inspector of Police, Civil Supplies CID, Kuzhithurai at Nagercoil on 01.04.2017 under Essential Commodities Act, 1955 as the vehicle was found in



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possession of 200 litres of white kerosene without any valid document at Thozhicode area. Based on the report filed by the Inspector of Police Civil Supplies CID, confiscation proceedings was initiated in the Court of District Revenue Officer and Additional District Magistrate, Kanniyakumari, under Section 6(A) of the Essential Commodities Act 1955. In the mean line the vehicle was released temporarily based on the direction of this Court in W.P(MD) No.6470 of 2017 dated 25.04.2017 vide the proceeding of the District Revenue Officer and Additional District Magistrate, Kanniyakumari, No.F1/14881/2017, dated 04.07.2017 upon the deposit of Rs.10,000/- by the owner of the vehicle. In this case, further enquiry was conducted under Section 6(A) of the Essential Commodities Act, 1955 and final order was passed imposing fine of Rs.1,50,000/- for the offence committed under Essential Commodities Act, 1955, vide the proceeding of the District Revenue Officer and Additional District Magistrate No.F1/14889/2017, dated 06.11.2017. The fact was intimated to the petitioner to remit the remaining amount of Rs.1,40,000/- into the Government Account for releasing the vehicle permanently. However, despite repeated reminder, the petitioner did not come forward to remit the fine amount.



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4. In view of the submissions made by the learned Special Government Pleader, this Court is not inclined to entertain this writ petition. Accordingly, this Writ Petition is dismissed. However, the petitioner is at liberty to approach the first respondent seeking return of the original Registration Certificate by paying the fine amount as per the order of the first respondent dated 06.11.2017. No costs.

22.02.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
cp

To

- 1.The District Revenue Officer,
Kanyakumari District,
Nagercoil.
- 2.The Inspector of Police,
Civil Supplies C.I.D,
Kuzhithurai at Nagercoil,
Kanyakumari District.
- 3.The Secretary,
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B.PUGALENDHI,J

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