



W.P.No.4291 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 10.02.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.4291 of 2025
and W.M.P.No.4800 of 2025

K.Karthikeyan

.. Petitioner

Versus

1. District Revenue Officer,
Tiruvallur District,
at Tiruvallur.
2. The Superintendent of Police,
CSCID, North Zone,
No.5A, Semiyars Road,
Nandanam,
Chennai - 600 035.
3. Deputy Superintendent of Police,
CSCID, Chennai Unit,
No.7/19, 2nd Street,
Mangalapuram, Irumbuliyur,
Tambaram,
Chennai - 600 004.



W.P.No.4291 of 2025

WEB COPY

4. The Inspector of Police,
CSCID Chennai North,
Eb Colony, Gnanamoorthy Nagar,
Patarawakkam,
Menambedu,
Ambattur, Chennai.

5. N.Selvaraj

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Declaration to declare the show cause notice of the 1st respondent in Na.Ka.No.S3/2716/2023, dated 23.10.2024 as violative of Section 6(A) of Essential Commodities Act, 1955 and the order passed by this Court in W.P.No.21876 of 2023, dated 28.07.2023 and consequently, direct the respondents 1 to 5 to grant custody of Tanker Lorry bearing registration No.TN-52-Q-1424 along with 18,000 liters of industrial oil to the petitioner.

For Petitioner : Mr.C.K.M.Appaji

For Respondents : Mr.Balamurugan,
Government Advocate, for R1

: Mr.V.Meghanathan,
Government Advocate (Crl. Side),
for RR-2 to 4



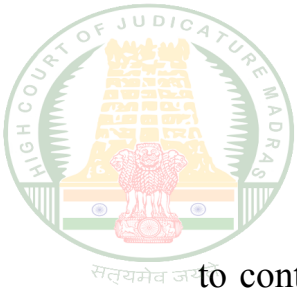
W.P.No.4291 of 2025

WEB COPY

ORDER

This Writ Petition is filed to declare the show-cause notice of the first respondent bearing Na.Ka.No.S3/2716/2023, dated 23.10.2024 as violative of Section 6A of the Essential Commodities Act, 1955 and the order passed by this Court in W.P.No.21876 of 2023, dated 28.07.2023 and consequently, direct the respondent Nos.1 to 5 to grant custody of the Tanker Lorry bearing registration No.TN-52-Q-1424 along with 18,000 litres of industrial oil to the petitioner.

2. The allegation, in this case, is that in the guise of transporting bio-diesel, the vehicle was laden with industrial oil and therefore, it was intercepted and was retained. Now, confiscation proceedings were initiated. The petitioner earlier approached this Court by way of W.P.No.21876 of 2023 and by the order, dated 28.07.2023, this Court directed that the vehicle cannot be handed over, but, oil should be drained and the confiscation proceedings should be initiated and the petitioner was given the opportunity



W.P.No.4291 of 2025

to contest the matter and to seek such remedy as against such proceedings.

WEB COPY

In view thereof, when the respondents are further proceeding with the confiscation, it can be seen that the confiscation notice was issued in the name of erstwhile owner.

3. The learned Government Advocate for the first respondent/District Revenue Officer, would submit that in the registration certificate, the entry, relating to the transfer of the vehicle in the name of the petitioner, was not carried out and therefore, the notice was issued in the said name.

4. The learned Counsel for the petitioner would reply that already, the entry had been carried out and the petitioner is only the lawful owner.

5. In that view of the matter, when the proceedings are pending, the respondents shall issue a notice to the petitioner also for hearing and the petitioner shall be heard with reference to whether or not the vehicle should



W.P.No.4291 of 2025

WEB COPY

be confiscated and including the value of the vehicle etc., and only after

giving due opportunity to the petitioner, final orders shall be passed.

Needless to mention that the petitioner will be entitled to such further remedies as already made clear by this Court in the earlier order in W.P.No.21876 of 2023. The said exercise shall be carried out by the official respondents within a period of 8 weeks from the date of receipt/production of a web-copy of this order without waiting for a certified copy of this order.

6. With the above directions, this Writ Petition stands disposed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

10.02.2025

Neutral Citation : no
grs



W.P.No.4291 of 2025

To
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at Tiruvallur.
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WEB COPY



W.P.No.4291 of 2025

D.BHARATHA CHAKRAVARTHY, J.

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WEB COPY



W.P.No.4291 of 2025

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