



W.P.No.43725 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2025

CORAM

THE HONOURABLE MR JUSTICE N.SATHISH KUMAR

W.P.No.43725 of 2025

and

W.M.P.No.48824 of 2025

N.Balaobulu
S/o.N.P.Chennaiah (late)
No 69/1, 5th Main Road, Bangalore North,
New Thippasandra, Bangalore North,
Karnataka 560 075

Petitioner(s)

Vs

1.The District Revenue Officer
District Collector Office, Ranipet,
Ranipet District - 632 401.

2.The State represented by
The Sub-Inspector of Police,
CSCID – Ranipet, Ranipet District 632 401.



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Respondent(s)

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Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent's Final Order dated 09.10.2025, Na.Ka.No.J4/11272/2023 is illegal, improper and quash the same and direct the respondents to release the vehicle bearing Registration No.KA 53 AA 9776, Engine No.NCEZ418288 and Chassis No.MB1AUPCC9PENJ5074 to the petitioner herein.

For Petitioner(s): Mr.J.Arun Prasad

For R1: Mr.Yogesh Kannadasan
Special Government Pleader

For R2: Mr.L.Baskaran
Government Advocate

ORDER

Challenging the impugned order dated 09.10.2025 passed in



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Na.Ka.No.J4/11272/2023 on the file of the first respondent and to quash the

same and further direct the respondents to release the vehicle bearing

Registration No.KA 53 AA 9776, Engine No.NCEZ418288 and Chassis

No.MB1AUPCC9PENJ5074, the petitioner has preferred the present writ

petition.

2. It is the case of the petitioner that his vehicle viz. Ashok Leyland container goods vehicle bearing Registration No.KA 53 AA 9776 was seized in connection with the transportation of PDS rice to the tune of 4000 kgs. in 80 gunny bags, each weighing 50 kgs., pursuant to which, a criminal case has also been initiated in Crime No.121 of 2023 by the second respondent as against six accused and charge sheet has also been filed; admittedly, he has not been arrayed as an accused in that case. When the matter stood thus, the impugned order came to be passed by the first respondent on 09.10.2025 fixing Rs.10,00,000/- penalty as against him, who



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is the owner of the vehicle, and directed him to pay the said sum within 30

days, failing which, the subject vehicle would be confiscated to the State.

3. Heard the learned counsel on both sides.

4. It is relevant to note that as far as any offence committed, any materials to be seized as the essential commodities, then, as per Section 6A of the Essential Commodities Act, 1955 (for brevity “the EC Act”), confiscation proceedings can be initiated by the Collector of the District or the Presidency town, where, such essential commodity is seized. Therefore, the proper person to initiate the confiscation proceedings is the Collector of the District on the report received in that regard. Before passing of any confiscation proceedings, a show cause notice has to be issued as per Section 6B of the EC Act. Sub-clause 2 of 6B of the EC Act indicates that if the owner is able to show that he has no knowledge about the use of his



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vehicle for the transporation of essential commodity, confiscation

proceedings cannot be ordered. Therefore, to establish all these facts

issuance of show cause notice is necessary. Admittedly, in the criminal case,

the petitioner herein has not been arrayed as an accused. Whether the vehicle

was involved with his knowledge or not to be seen only when his reply is

considered by the authorities. Before issuing the show cause notice, fixing

penalty at Rs.10,00,000/-, that too, by the District Revenue Officer without

initiating proceedings under Section 6B of the EC Act, the impugned order

cannot be sustained in the eye of law.

5. Hence, the order impugned stands quashed. However, the

petitioner shall deposit Rs.5,00,000/- with the first respondent as ordered by

this Court in its earlier order dated 14.11.2025. The rest of the conditions in

the order dated 14.11.2025 shall be complied with. It is well upon the

respondents to initiate fresh confiscation proceedings as per law.



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Accordingly, this writ petition stands disposed of. No costs.

Connected W.M.P. is closed.

02.12.2025

nsd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1.The District Revenue Officer
District Collector Office, Ranipet,
Ranipet District - 632 401.

2.The Sub-Inspector of Police,
CSCID – Ranipet, Ranipet District 632 401.



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N.SATHISH KUMAR, J.

nsd

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