



W.P.(MD).No.9725 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.07.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD) No.9725 of 2023
and
W.M.P(MD) No.8577 of 2023

Kalaivanan

... Petitioner

Vs.

**1.The District Revenue Officer,
Pudukkottai District..**

**2.District Supply and Consumer Protection Officer,
Pudukkottai District.**

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned order passed by the 2nd respondent in Na.Ka.No.16057/2022/K3 dated 14.03.2023 thereby imposing Penalty Rs.2,30,000/- (Rupees Two Lakhs Thirty Thousand only) on the vehicle bearing Registration No.TN 55 BZ 8673 and quash the same as illegal and arbitrary.

For Petitioner

: Mr.B.Sekar

For Respondents

**: Mr.K.R.Badurus Zaman
Government Advocate**



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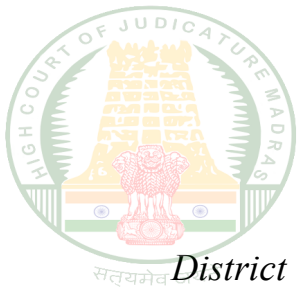
ORDER

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This petition has been filed challenging the impugned order, dated 14.03.2023, passed by the second respondent at the behest of the first respondent, whereby the petitioner was directed to pay a penalty of Rs.2,30,000/-, based on the order of the first respondent dated 21.02.2023.

2. It appears that the petitioner was involved in smuggling of about 1300 kgs. of PDS rice. An FIR was also registered in Crime No.74 of 2022, dated 07.05.2022, on the file of the CSCID Police Station, Madurai, for offences punishable under Section 6(4) of the Tamil Nadu Scheduled Commodities (RDSCS) Order, 1982, read with Section 7(1)(a)(ii) of the Essential Commodities Act, 1955. It further appears that the petitioner appeared before the respondent Police and expressed his willingness to abide by any condition, as is evident from a reading of the impugned order.

3. The learned counsel for the petitioner would submit that the impugned order has been passed by the second respondent purportedly on behalf of the first respondent, which is impermissible in law. He would place reliance on the order of this Court in W.P.(MD) No.17265 of 2022 [*Senthilkumar v. The*



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District Revenue Officer], dated 03.08.2022, wherein it was held that the vehicle in question has to be released.

4. Per contra, the learned Government Advocate would submit that the impugned order is an appealable order under Section 6(c) of the Essential Commodities Act, 1955. It is further submitted that since the petitioner himself undertook to abide by any condition, the first respondent, by order dated 21.02.2023, directed penalty, and pursuant thereto, the second respondent issued the impugned communication demanding payment of Rs.2,30,000/-.

5. On a specific query by this Court, the learned Government Advocate submitted that the vehicle is of the year 2018 model and that its value, as on the date of the impugned order, was Rs.2,30,000/-. It is also noticed that the vehicle has been kept in custody with the respondents since 2018 and has been deteriorating due to exposure and non-use.

6. Considering the fact that the vehicle is valued only at Rs.2,30,000/-, this Court is inclined to release the vehicle to the petitioner, subject to the condition that the petitioner deposits a sum of Rs.1,00,000/- to the credit of



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Crime No.74 of 2022 on the file of the CSCID Police Station, Madurai, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of.

Consequently, connected Miscellaneous Petition is closed. No costs.

30.07.2025

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

Indu

To

- 1.The District Revenue Officer,
Pudukkottai District..
- 2.District Supply and Consumer Protection Officer,
Pudukkottai District.



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C.SARAVANAN, J.

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