



W.P.(MD) No.11562 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD)No.11562 of 2021
and
W.M.P(MD)No.9079 of 2021

Ismail

.. Petitioner

Vs.

1.The District Revenue Officer Cum
Additional District Executive Magistrate,
Kanyakumari District at Nagercoil.

2.The Inspector of Police,
CSCID - Madurai District,
Kuzhithurai Police Station.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent pertaining to its order bearing ந.க.உள்1/22234/2020 dated 16.02.2021 and to quash the same and consequently direct the respondents to release the Suzuki Access Bike bearing Registration No.TN 75 AP 9726 to the petitioner, seized on 30-08-2020, which is in the custody of the respondents.



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For Petitioner : Mr.R.S.Sivakumar
For R1 : Mrs.D.Farjana Ghoushia
Special Government Pleader
For R2 : Mr.S.Prakash
Government Advocate(Crl.Side)

ORDER

This writ petition has been filed for the following relief :

“to call for the records on the file of the 1st respondent pertaining to its order bearing ந.க.உள்/22234/2020 dated 16.02.2021 and to quash the same and consequently direct the respondents to release the Suzuki Access Bike bearing Registration No.TN 75 AP 9726 to the petitioner, seized on 30-08-2020, which is in the custody of the respondents.”

2. The case of the petitioner is that he is the owner of the motorcycle bearing Registration No.TN 75 AP 9726. On 30.08.2020, his vehicle was seized by the 2nd respondent as if he was carrying 120 Kg ration rice and a criminal case has been registered in Crime No.124/2020 under Section 6(4) of TN Scheduled Commodities (RDCS) Order, 1982



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and Section 7(1) (a) (ii) of Essential Commodities Act. Therefore, the petitioner submitted a representation to the 1st respondent seeking release of his vehicle. The 1st respondent, vide order dated 16.02.2021, has directed that the vehicle be released on payment of a fine of Rs. 35,000/-. Challenging the said order, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that he was not involved in any such offence as alleged by the respondents and if the vehicle is kept in open place, the vehicle will get deteriorated and the value of the vehicle would automatically stand diminished and that therefore the said vehicle shall be released. He would further submit that the fine amount imposed by the 1st respondent is exorbitant and the fine amount shall not exceed the market price at the date of seizure of the essential commodity, for which he would rely upon Section 6-A (1) (c) of the Essential Commodities Act and the same is extracted hereunder :

“6-A. (1) (c). any animal, vehicle, vessel or other conveyance used in carrying such essential commodity;

.....

Provided further that in the case of any animal,



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vehicle, vessel or other conveyance used for the carriage of goods or passengers for hire, the owner of such animal, vehicle, vessel or other conveyance shall be given an option to pay, in lieu of its confiscation, a fine not exceeding the market price at the date of seizure of the essential commodity sought to be carried by such animal, vehicle, vessel or other conveyance.”

4. Heard the learned counsel on either side.

5. A perusal of Section 6-A of indicates that the fine imposed shall not exceed the market value at the date of seizure of the essential commodity. As per F.I.R, the market price of the seized ration rice is Rs. 3,372/-. In contra, the 1st respondent has imposed a fine of Rs.35,000/-. Therefore, the impugned order is liable to be set aside.

6. In view of the above, this writ petition is allowed with the following directions :



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(i) The petitioner is directed to remit a fine amount of Rs.

3,372/- (Rupees Three Thousand Three Hundred and Seventy Two only).

(ii) On payment of the amount, the vehicle shall be released within a week therefrom.

No costs. Consequently, connected Miscellaneous Petition is closed.

24.11.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

1.The District Revenue Officer Cum
Additional District Executive Magistrate,
Kanyakumari District at Nagercoil.

2.The Inspector of Police,
CSCID - Madurai District,
Kuzhithurai Police Station.



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P.T.ASHA, J.

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