



W.P.(MD).No.17893 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.07.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.17893 of 2025
and W.M.P(MD) No.13691 of 2025

Mageshwaran

... Petitioner

Vs.

1.The District Collector,
District Collectorate Office,
Tenkasi District - 627 811.

2.The District Revenue Officer,
Cum Additional District Magistrate,
District Collectorate Office,
Tenkasi District -627 811.

3.The Revenue Divisional Officer,
Sankarankovil,
Tenkasi District - 627 756.

4.The Inspector of Police,
Civil Supplies C.I.D.,
Tirunelveli - 627 007.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order dated 19.05.2025 passed by the 2nd respondent in the proceedings Na.Ka.No. COLR/2030/2025-Q1 on his file and quash the same as arbitrary, illegal and in violation natural justice principle and



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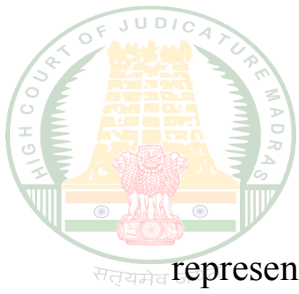
consequently direct the 2nd respondent to release the Mahindra Bolero Pickup vehicle bearing Registration Number TN 57 AE 6852 considering the representation of the petitioner dated 14.01.2025 in accordance with the law within the time frame as may be fixed by this Court.

For Petitioner	: Mr.T.Balaji
For R1 to R3	: Mr.D.Ghandiraj Special Government Pleader
For R4	: Mr.K.Sanjai Gandhi Government Advocate (Crl.Side)

ORDER

This Writ Petition is disposed of at the time of admission after hearing the learned counsel for the petitioner and the learned counsel for the respondent Nos.1 to 3 and the learned counsel for the fourth respondent.

2. The petitioner's vehicle bearing registration No.TN 57 AE 6852 classified as goods carrier-2012 make was seized by the fourth respondent when an attempt was made to carry 1950kgs of PDS rice by one Thiraviyavelan on 07.11.2023. A First Information Report in Crime No.287 of 2023 has also registered. Thereafter, proceedings were initiated for confiscating the seized rice in terms of 6(B) of Essential Commodities Act, 1955. Since the vehicle of the petitioner was used for smuggling the PDS rice, the petitioner sent a



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representation on 14.01.2025 with a request for release of his vehicle stating that the petitioner was not involved in smuggling of PDS rice weighing about 1950kgs. Pursuant to the aforesaid representation of the petitioner, another notice was issued in the form of summons on 25.02.2025, where also, there was no proposal to confiscate the vehicle of the petitioner. Even though the petitioner requested that the vehicle be released in his representation, dated 14.01.2025, impugned order has passed to confiscate the vehicle as well along with 1950 kgs of seized PDS rice.

3. Reading of the impugned order, dated 19.05.2025 indicates that there is no discussion in response to the petitioner's representation dated 14.01.2025. In fact no notice has been issued to the petitioner to show cause as to why the petitioner's vehicle has been seized on 07.11.2023 should not be confiscated in terms of Section 6(A) of Essential Commodities Act, 1955. Although the petitioner has an alternative remedy under Section 6(C) of Essential Commodities Act, 1955, this Court is of the view that there has been a manifest violation of principal of natural justice, therefore, the impugned order dated 19.05.2025 is liable to be quashed and the case be remitted back to the second respondent to pass fresh order.

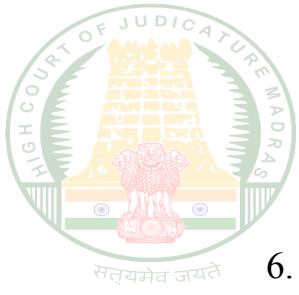


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4. Considering the fact that the vehicle has been under seizure since 07.11.2023, the respondents are directed to release the vehicle provisionally subject to the petitioner depositing Rs.15,000/- as security without prejudice to the right of the second respondent to order confiscation under Section 6(A) of the Essential Commodities Act, 1955. The seized vehicle shall be released within a period of one week from the date of deposit of Rs.15,000/- as security with the second respondent.

5. Needless to state that final release of the vehicle is subject to the appropriate order to be passed by the second respondent. The impugned order dated 19.5.2025 stands quashed with above condition. The petitioner shall also file a reply within a period of 30 days from the date of receipt of copy of this order by treating the impugned order as an addendum to show cause notice dated 14.11.2024 and summon dated 25.02.2025. The respondents shall pass appropriate order thereafter.



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6. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

02.07.2025

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

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To

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Cum Additional District Magistrate,
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C.SARAVANAN, J.

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