



Crl.O.P.(MD) No.17455 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.17455 of 2024

1.Santhoshkumar

2.Sathiyakrishnan

... Petitioners

Vs.

The Inspector of Police,
Civil Supplies Crime Investigation Department,
Tirunelveli.
(Crime No.14 of 2023)

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to issue direction to the learned Principal District and Sessions Judge, Tenkasi to set aside the docket order dated 20.09.2024 and number the appeal filed by the petitioner as against the order passed in Na.Ka.No.COLR/4382/23-Q1 dated 31.08.2023 on the file of the District Revenue Officer, Tenkasi District, Tenkasi and dispose of the same in accordance with law.

For Petitioners : Mr.T.Leninkumar

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)



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ORDER

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This Criminal Original Petition has been filed seeking a direction to set aside the docket order dated 20.09.2024 and to direct the learned Principal District and Sessions Judge, Tenkasi, to entertain the appeal filed by the petitioner against the confiscation proceedings initiated in respect of his vehicle.

2. The petitioner is an accused in Crime No.14 of 2023, registered for the offence of violation of Clause 6(4) of the Tamil Nadu Scheduled Commodities (RDSCS) Order, 1982, read with Section 7(1)(a)(ii) of the Essential Commodities Act, 1955. During the course of investigation, his vehicle, namely Ashok Leyland Dost bearing registration No.KL-09-R-3555, was seized. The Revenue Divisional Officer, in his proceedings dated 31.08.2023, confiscated the vehicle and observed that the petitioner could file an appeal against the said order before the learned Principal Sessions Judge, Tenkasi. However, the appeal filed by the petitioner before the learned Principal District and Sessions Judge, Tenkasi, was returned on the ground that, as per the Tamil Nadu Government Gazette, Part VI - Section 1 [wrongly mentioned as Part IV - Section 1 in the impugned docket order], dated 05.07.2023, the jurisdiction is vested with



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the learned Judicial Magistrate No.II, Tirunelveli, and therefore, the appeal cannot be entertained.

3. The learned counsel for the petitioner would submit that Section 6E of the Essential Commodities Act, 1955 provides for an appeal against the confiscation order to the Judicial Authority appointed by the State; that the Judicial Authority appointed by the State is the Principal District Judge as per the Tamil Nadu Amendment Act, 1981; and that the Tamil Nadu Government Gazette, Part VI - Section 1, dated 05.07.2023, relied upon by the learned Principal District and Sessions Judge, Tenkasi, would have no bearing insofar as the appeal to be filed against the confiscation proceedings is concerned, and therefore, sought for setting aside the docket order and a direction to entertain the appeal filed by the petitioner against the confiscation proceedings.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the Judicial Authority is the Principal District Judge, as per Section 6E of the Essential Commodities Act, 1955; and that the petitioner can file an appeal against the confiscation proceedings only before the Judicial Authority.



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5. Section 6E of the Essential Commodities Act, 1955 reads as follows:

“6E. Bar of jurisdiction in certain cases.-
Whenever any essential commodity is seized in pursuance of an order made under section 3 in relation thereto, or any package, covering or receptacle in which such essential commodity is found, or any animal, vehicle, vessel or other conveyance used in carrying such essential commodity is seized pending confiscation under section 6A, the Collector, or, as the case may be, the State Government concerned under section 6C shall have, and, notwithstanding anything to the contrary contained in any other law for the time being in force, any court, tribunal or other authority shall not have, jurisdiction to make orders with regard to the possession, delivery, disposal, release or distribution of such essential commodity, package, covering, receptacle, animal, vehicle, vessel or other conveyance.”

6. In ***K.Kumar v. The District Collector, Madurai District, Madurai and another***, vide order dated 11.04.2007 in Crl.R.C.(MD) No. 193 of 2007, this Court had observed as follows:

7. The learned Counsel for the petitioner also raised the plea that as per Section 6(c) of the E.C. Act, the Principal District and Sessions Judge alone is competent to deal with the appeal and he should not have made over the case to the Fast Track Court No.III. Madurai. I could see considerable force in the



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submission of the learned Counsel for the petitioner. I would like to reproduce hereunder the relevant notice passed by the State of Tamil Nadu in commensurate with the Tamil Nadu Amendment, Act 18 of 1981:

"No.II(2)/CFCR/649/2001-Under sub-section (1) of Section 6-C of the Essential Commodities Act, 1955 (Central Act 10 of 1955) the Governor of Tamil Nadu hereby appoints the Principal District Judge on the District Judge where there is no Principal District Judge as the Judicial authority within his jurisdiction in respect of the Districts in the State other than Chennai City and the Principal Judge City Civil Court, Chennai as the Judicial authority within the jurisdiction of Chennai City for the purpose of the said section" (emphasis added)

8. A mere perusal of it, would make it unambiguously and unequivocally clear that only the Principal District Judge concerned and in District Courts where there is no Principal District Judge, the District Judge alone can deal with the appeals and it cannot be made over to any other Judge for being tried. As such the judicial authority contemplated under the amended under Section 6(c) of the E.C. Act, is only the Principal District Judge in 3 District and the District Judge where there is no Principal District Judge and not any other Additional District Judge of the Fast Track Judge.

7. The Tamil Nadu Government Gazette, Part VI - Section 1, dated 05.07.2023, relied upon by the learned Principal District and Sessions Judge, Tenkasi, is not an order passed by the State Government appointing the Judicial Magistrate No.II, Tirunelveli, as the Judicial



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Authority. It is only a notification issued by the State Government defining the local areas within which the Magistrates can exercise jurisdiction, and it can never be treated as one appointing the Judicial Magistrate No.II as the Judicial Authority contemplated under Section 6E of the Essential Commodities Act, 1955, though the Civil Supplies CID limit is brought within the jurisdiction of the learned Judicial Magistrate No.II, Tirunelveli. It is also seen from the impugned order that the Revenue Divisional Officer has himself stated that the appeal would lie before the learned Principal District and Sessions Judge, Tenkasi.

8. In view of the aforesaid discussion, there shall be a direction to the learned Principal District and Sessions Judge, Tenkasi, to entertain the appeal filed by the petitioner and pass appropriate orders.

9. Hence, this Criminal Original Petition is allowed.

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Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order



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Note: The original appeal papers filed in this petition may be returned to the petitioner so as to enable him to re-present the same.

Copy To:

- 1.The Principal District and Sessions Judge,
Tenkasi.
- 2.The District Revenue Officer,
Tenkasi District, Tenkasi
- 3.The Inspector of Police,
Civil Supplies Crime Investigation Department,
Tirunelveli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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