



WEB COPY

W.P(MD)No.7104 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 17.03.2026

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

**W.P(MD)No.7104 of 2026
and
W.M.P(MD)No.5826 of 2026**

Anas

... Petitioner

Vs.

1.The District Revenue Officer,
Kanyakumari District,
Nagercoil.

2.The Inspector of Police,
Civil Supplies C.I.D.,
Kuzhithurai,
Kanyakumari District.

...Respondents

Writ Petitions are filed under article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records pertaining to the order passed by the first respondent in his proceedings Na.Ka.No.Oo1/11711/2024 dated 08.03.2025 and quash the same as illegal.

For Petitioner	:Mr.T.Leninkumar
For R1	:Mr.S.Kameshwaran, Government Advocate
For R2	:Mr.P.Subburaj Special Government Pleader

**ORDER**

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This writ petition is filed challenging the impugned order dated 08.03.2025.

2.By the said order, the confiscation of the vehicle, namely Ashok Leyland Lorry bearing Registration No.KL-74-C-0770 and 17700 kg of PDS rice was ordered to be confiscated. The owner of the vehicle is required to pay a sum of Rs.10,50,000/- towards the value of the vehicle in order to get the vehicle released.

3.The learned counsel appearing on behalf of the petitioner would submit that a show cause notice is not issued, and an opportunity is not afforded to the petitioner. As a matter of fact, when the vehicle was lying idle and when the petitioner was not an accused in the criminal case, the petitioner made a representation to the respondent to release their vehicle. Since the same was not released, the petitioner approached this Court by way of W.P(MD)No.1854 of 2025. By an order dated 07.07.2025, this Court directed the respondents to conduct an enquiry. In the said enquiry, the order of confiscation is passed. Therefore, the same would not be an opportunity that is granted to the petitioner. Therefore, the learned counsel would submit



that this Court should entertain this writ petition and interfere with the order.

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4.I heard the submission made by the learned counsel for the petitioner as also the learned Government Advocate appearing on behalf of the respondents.

5.It can be seen that when an order of confiscation is passed under Section 6B of the Essential Commodities Act, 1955, an appeal lies to the District Court under Section 6C of the Act. As a matter of fact as against the order, an appeal seems to have been presented on 23.07.2025, before the wrong forum, namely the Principal Sessions Court for NDPS cases, without filing the appeal before the jurisdictional District Court.

6.This apart, therefore, I am of the view that the petitioner even now can either re-present the appeal or file an appeal afresh as there is provision to condone the delay and mentioning all these reasons as the reasons for delay. The learned Counsel would insist upon entertaining this writ petition on the ground of opportunity.



7.A perusal of the order refers to a notice dated 19.07.2025. The order also considers the statement given by the petitioner during the enquiry.

Therefore, at the outset, I am not in a position to conclude that the procedure is not followed. In any event the said question can also be raised in the appeal to be filed by the petitioner.

8.In view thereof, this writ petition is not entertained. However, liberty is given to the petitioner to file an appeal, as per Section 6C of the Essential Commodities Act, 1955, on the file of the jurisdictional District Court. As and when the said appeal is filed; the same shall be disposed of as expeditiously as possible, in any event not later than six months from the date of filing of the appeal.

9.With the above observation, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

17.03.2026

NCC:Yes/No
Ns



To

1.The District Revenue Officer,
Kanyakumari District,
Nagercoil.

2.The Inspector of Police,
Civil Supplies C.I.D.,
Kuzhithurai,
Kanyakumari District.



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D.BHARATHA CHAKRAVARTHY, J.

Ns

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