BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 26.02.2026

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THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

CRL RC(MD). No.628 of 2019
and
Crl.M.P.(MD)No.7680 of 2019

K.Narayanan, ... Petitioner

Vs.

The District Supply Officer,
District Supply Office,
Kumbakonam. ... Respondent

PRAYER :- Criminal Revision Case is filed under Section 397 r/w.401 of Cr.P.C., to set aside the order dated 12.04.2019 made in C.A.No. 18/2019 on the file of Learned Principal Sessions Judge, Thanjavur confirming the Confiscation Proceedings in Na.Ka.K1/ 13108/ 2016 by the District Revenue Officer, Thanjavur dated 09.02.2018.

For Petitioner : Mr. S.Manikandan

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

Heard Mr. S.Manikandan, learned Counsel for Revision Petitioner and Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor for Respondent.

2. The present criminal revision petition has been filed challenging the order dated 12.04.2019 made in C.A.No.18 of 2019 on the file of learned Principal Sessions Judge, Thanjavur confirming the Confiscation Proceedings in Na.Ka.K1/ 13108/ 2016 by District Revenue Officer, Thanjavur dated 09.02.2018.

3. The impugned order is challenged primarily on two grounds viz.,

a) That confiscation proceedings suffers from violation of principles of natural justice inasmuch as show cause notice has not been issued though there is a statutory mandate in terms of Section 6B of Essential Commodities Act.

b) Order of confiscation has been made by District Revenue Officer, whereas, in terms of the Essential Commodities Act, jurisdiction is vested exclusively with the District Collector.

4. Learned Additional Public Prosecutor produced the case file, which would show that notices have in fact been issued. Same was perused by learned counsel for petitioner, who would concede that notices have in fact been issued and does not propose to press the same.

5. It is also brought to the notice of this Court that before the Courts below, the petitioner has conceded to have committed the offence under Section 286 IPC, which culminated in S.T.C.No.263 of 2016 before Judicial Magistrate, Kumbakonam, where the petitioner was found guilty and he paid a fine of Rs.500/-.

6. Before proceeding further, it may be relevant to refer to Section 6A of the Essential Commodities Act, 1955, which reads as follows:-

"6A. Confiscation of essential commodity.- Where any

essential commodity is seized in pursuance of an order made under section 3 in relation thereto, a report of such seizure shall, without unreasonable delay, be made to the Collector of the district or the Presidency town in which such essential commodity is seized and whether or not a prosecution is instituted for the contravention of such order, the Collector may, if he thinks it expedient so to do, direct the essential commodity so seized to be produced for inspection before him, and if he is satisfied that there has been a contravention of the order may order confiscation of-

(a) the essential commodity so seized;

(b) any package, covering or receptacle in which such essential commodity is found; and

(c) any animal, vehicle, vessel or other conveyance used in carrying such essential commodity:

...

(2) ...

(3) ...”

7. Learned counsel for petitioner submitted that, on a plain reading of Section 6-A of the Essential Commodities Act, it is evident that the power of confiscation is vested exclusively with “Collector”. However, in the present case, the impugned confiscation proceedings were initiated

and concluded by District Revenue Officer, who is not the Collector, and therefore, the same is without authority of law.

8. In response, learned Additional Public Prosecutor would draw the attention of this Court to the definition of "Collector" under Section 2(ia) of Essential Commodities Act, which reads as under:

> "*2. Definitions.-In this Act, unless the context otherwise requires,-*
>
> *(ia) "Collector" includes an Additional Collector and such other officer, not below the rank of Sub-Divisional Officer, as may be authorised by the Collector to perform the functions and exercise the powers of the Collector under this Act includes an Additional Collector and such other officer, not below the rank of Sub-Divisional Officer, as may be authorised by the Collector to perform the functions and exercise the powers of the Collector under this Act ."*

9. From a reading of the above definition clause, learned Additional Public Prosecutor, Mr.A.Thiruvadi Kumar, submitted that definition of "Collector" has been given an expansive meaning so as to include not only Collector, but also an Additional Collector and such

other officer, not below the rank of a Sub-Divisional Officer, as may be authorised by the Collector to perform the functions and exercise the powers of the Collector under the Act. He would further submit that, admittedly, District Revenue Officer is an officer above the rank of a Sub-Divisional Officer. Therefore, according to him, the first requirement under the definition clause stands satisfied.

10. With regard to the requirement of authorisation, this Court pointed out that when a statute prescribes the method and manner in which a particular act is to be done, such act must be performed only in the manner so prescribed.[1]

11. It is trite that "authorisation" implies a grant of permission or sanction. Learned Additional Public Prosecutor would rely upon following material to demonstrate that an authorisation has, in fact, been issued in terms of Section 2(ia) of the Essential Commodities Act.

12. The first document relied upon is the communication dated

1 Municipal Corporation of Greater Mumbai Vs. Abhilash Lal and others, (2020) 13 SCC 234

26.12.2005, which, *inter alia,* contained annexures specifying designations of officers who were duly authorised. This is followed by communication dated 21.02.2013, wherein, it is recorded that District Revenue Officer and Deputy Commissioner of Civil Supplies, Chennai City, are initiating action under Section 6(A) of the Essential Commodities Act, 1955, in respect of contraventions under Section 3 of Essential Commodities Act. The said communication also issued instructions regarding the manner in which the Act ought to be implemented and administered, particularly in view of fact that, on several occasions, proceedings had been initiated contrary to the mandate contained under the Act. The above is further followed by communications dated 02.11.2021 and 08.02.2022.

13. From a reading of the above communication/proceedings dated 21.02.2013, it is evident that the Government, represented by Secretary to Government, was fully conscious of the fact that District Revenue Officer had initiated action under Section 6A. He would thus submit that plea that District Revenue Officer was not authorized to initiate or pass the impugned proceedings may not be justified. He would further submit

that objection regarding jurisdiction was raised only before the appellate forum and not before original authority; hence, such a contention cannot be permitted to be urged for the first time at the appellate stage. He would submit that this is a matter which ought to have been raised at the first instance and that, having acquiesced in the proceedings, petitioner is now estopped from questioning the jurisdiction of the District Revenue Officer and that it does not lie in the mouth of petitioner, at this stage, to challenge the authority of District Revenue Officer.

14. This Court finds that it may not be necessary to go into the question whether there has been waiver or acquiescence by the petitioner. From the material available on record in the form of communications dated 26.12.2005, 21.02.2013, 02.11.2021 and 08.02.2022, it would be clear that the District Revenue Officer is duly authorized by Collector in terms of Section 2(ia) of the Essential Commodities Act and thus, would qualify as 'Collector' within the meaning of the said Section, i.e., 2(ia) of Essential Commodities Act. Hence, the challenge to the impugned order on the ground of want of jurisdiction is misplaced and thus rejected.

15. In that view of the matter, this Court is inclined to reject the above contention urged on behalf of petitioner. Accordingly, this Criminal Revision Case stands dismissed. Consequently, connected Miscellaneous Petition is closed.

26.02.2026

LS

To:

1. The District Supply Officer,
District Supply Office,
Kumbakonam.

2.The Principal Sessions Judge,
Thanjavur.

3.The Judicial Magistrate,
Kumbakonam.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

MOHAMMED SHAFFIQ,J.

LS

CRL RC(MD) No.628 of 2019

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