(2007) 11 MAD CK 0069

In the Madras High Court

Case No : Writ Petition No. 14097 of 1999

M. Ragini Murugesan APPELLANT

Vs

The District Revenue Officer and The District Supply Officer RESPONDENT

Date of Decision : 21-11-2007

Acts Referred:

Constitution of India, 1950 — Article 226
Essential Commodities Act, 1955 — Section 3(3), 3(3B), 3(3C), 6A, 6A(3)

Citation : (2007) 11 MAD CK 0069

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

Advocate : C. Prakasam, for the Appellant; V. Manoharan, Government Advocate, for the Respondent

Judgement

M. Jaichandren, J.—Heard Mr. C. Prakasam, the learned Counsel appearing for the petitioner and Mr. V. Manoharan, the learned

Government Advocate appearing for the respondents.

2. It is submitted by the learned Counsel appearing for the petitioner that 170 bags of paddy, which were being transported from Palarpatti to

Amarnath Trading Company, had been seized by the first respondent, alleging that goods had been transported with ulterior motive to carry on

illicit business.

3. The main contention of the learned Counsel appearing for the petitioners is that at the time of seizure there was purchase voucher and the paddy

was covered by the cess payment receipt and that notice u/s 6B of the Essential Commodities Act was not sent to the witnesses for their

participation in the 6A enquiry.

4. It is submitted by the learned Counsel appearing on behalf of the respondents

that as against the impugned order passed by the first respondent,

a statutory appeal is available to the petitioner, u/s 6C of the Essential Commodities Act, 1955. Section 6C of the Essential Commodities Act,

1955, reads as follows:

6-C.Appeal.- (1) Any person aggrieved by an order of confiscation u/s 6A may, within one month from the date of the communication to him of

such order, appeal to the State Government concerned and the State Government shall, after giving an opportunity to the appellant to be heard,

pass such order as it may think fit, confirming, modifying or annulling the order appealed against.

(2) Where an order u/s 6A is modified or annulled by the State Government, or where in a prosecution instituted for the contravention of the order

in respect of which an order of confiscation has been made u/s 6A, the person concerned is acquitted, and in either case it is not possible for any

reason to return the essential commodity seized, such persons shall, except as provided by Sub-section (3) of Section 6A, be paid the price

therefore as if the essential commodity had been sold to the Government with reasonable interest calculated from the day of the seizure of the

essential commodity and such price shall be determined-

(i) in the case of food grains, edible oilseeds or edible oils, in accordance with the provisions of Sub-section (3-B) of Section 3;

(ii) in the case of sugar, in accordance with the provisions of Sub-section (3-C) of Section 3 ; and

(iii) in the case of any other essential commodity, in accordance with the provisions of Sub-section (3) of Section 3.

5. However, the learned Counsel appearing for the petitioner had submitted that at the time of the filing of the writ petition, the appellate authority

had not been designated, as provided under the Act. Therefore, the petitioner has come before this Court, by way of filing the present writ petition,

under Article 226 of the Constitution of India. It is submitted that at present the concerned District Courts have been designated as the appellate

forum, u/s 6C of the Essential Commodities Act, 1955, to hear and decide the appeals.

6. Considering the facts and circumstances of the case, the petitioner is granted liberty to file an appeal before the designated appellate authority,

as provided under the law, within a period of four weeks from the date of receipt of a copy of this order. On such appeal being filed, the appellate

authority is expected to dispose of the same expeditiously.

The writ petition is disposed of with the above direction. No costs.

