

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE V.GIRI**

**FRIDAY, THE 29TH MAY 2009 / 8TH JYAISHTA 1931**

**WP(C).No. 14847 of 2009(A)**  
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**PETITIONER(S):**  
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**SEBIN JOHN, MANAGING PARTNER,  
CENTURY TRADING COMPANY, JETTY ROAD, MARKET,  
CHANGANACHERY, KOTTAYAM.**

**BY ADVS. MR.M.V.BOSE,  
MR.VINOD MADHAVAN,  
SMT.NISHA BOSE.**

**RESPONDENT(S):**  
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**THE DISTRICT COLLECTOR,  
KOTTAYAM.**

**BY GOVERNMENT PLEADER MR. P.N.SANTHOSH**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 29/05/2009, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

*Kss*

V.GIRI, J

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W.P.(C).14847 of 2009  
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Dated this the 29<sup>th</sup> day of May, 2009

JUDGMENT

The petitioner is a dealer in Food Grains. According to him, he has got branches at various places. One such shop is being conducted in Archal in Archal Panchayat. Though he has applied for Food Grains Dealers' Licence, the licence has not been issued so far. The petitioner contends that on 6.5.2009, he loaded 1000 kgs of branded rice and 675 kgs of branded wheat on truck bearing registration No.KL-33/6332 to be transported from Archal to Changanacherry. The vehicle was seized and a crime has been registered for infraction of the provisions of the Kerala Rationing Order, as evidenced by Ext.P7. The petitioner has now moved the District Collector as per Ext.P8 for release of the goods and the vehicle.

2. The District Collector is competent to take action under Section 6A of the Essential Commodities Act and pass appropriate orders for release of the goods. It is only appropriate that Ext.P8 representation filed before the District Collector is considered by the District Collector in accordance with law. Of course, if the articles in question are rationed articles, then proceedings can be taken for offence under the Kerala Rationing Order. At any rate, the matter is to be enquired into.

3. Accordingly, the District Collector is directed to cause an enquiry to be conducted in the matter of Ext.P8 within three weeks from the date of receipt of a copy of this judgment. The District Collector shall ensure that the articles seized under Ext.P7, the release of which is sought for, are not distributed till orders are passed on Ext.P8.

4. I make it clear that I have not considered the merits of the contentions of the petitioner and the

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same shall be looked into by the District Collector in  
accordance with law.

Writ petition is disposed of as above.

Sd/-  
**(V.GIRI)**  
Judge

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**P.S. to Judge**