

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15862 of 2014

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1. Md. Nazir Husain son of Diljan Hussain resident of village 17/78
Nadesar, Police Station Nadesar, District Varanasi (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Rohtas (Sasaram)
3. The Sub Divisional Officer, Rohtas (Sasaram)
4. The Block Supply officer, Shivsagar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gopal Swaroop Dubey, Adv.
Mr. Dineshwar Pandey, Adv.

For the Respondent-State: Mr. Kumar Pankaj, A.C. to S.C. 21

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 10-02-2015 Learned counsel for the parties are present.

The petitioner has questioned the order dated 11.10.2013 passed by the Collector, Rohtas in Confiscation Case No. 19 of 2009 whereby the vehicle of he petitioner bearing Registration No. UP-65-J/8897 along with the goods has been confiscated.

The order apparently has been passed under Section 6A of the Essential Commodities Act, 1955 and the State amendment vide Bihar Act 9 of 1978 in its Section 6C provides for a remedy of appeal to any person aggrieved by an order of confiscation passed under Section 6A of the Act which lies before the District Judge concerned.

In view of the alternative remedy so available to the petitioner, the present writ petition is disposed of affording liberty

to the petitioner to exhaust the remedy so available to him.

It goes without saying that such appeal being filed by the petitioner along with petition for condonation of delay before the prescribed authority within four weeks from today would be considered and disposed of by the prescribed authority in accordance with law on its own merits and after giving an opportunity of hearing to the petitioner bearing in mind the pendency of the issue before this Court.

The petitioner would be at liberty to pray for provisional release of the vehicle before the prescribed authority.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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