

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3863 of 2014

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1. Ganga Devi Agrawal Wife Of Gangadhar Agrawal Resident Of Argara Mohalla, Ward No. 10, Thakurgang, P.S.- Thakurganj, Distt.- Kishanganj (Bihar). At Present Resident Of Mohalla- Khalpara, S.P. Mukherjee Road, Mardhkunj Apartment, P.S.- Siliguri, Distt.- Darjaling (W.B.)

.... Petitioner/s

Versus

1. The State Of Bihar Through The Collector, Kishanganj
 2. The Collector, Kishanganj
 3. The Sub-Divisional Agricultural Officer, Kishanganj
 4. The Block Welfare Officer, Thakurganj
 5. The Officer In-Charge, Thakurganj
 6. The Block Co-Operative Extension Officer-Cum-In Charge Block Agriculture Officer, Thakurganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 06-10-2015 The petitioner seeks a direction to the respondent authorities to unseal the business premises/godown of the petitioner which has been sealed by the Sub Divisional Agricultural Officer-cum-District Agricultural Officer, Kishanganj in connection with Kishanganj P.S. Case No.93 of 2007.

The petitioner submits that her son was proceeded under section 7 of the Essential Commodities Act for violation of Unification Order, 1984 and Fertilizers Control Order, 1985. A large quantity of fertilizers was seized from the petitioner's godown giving rise to Thakurganj P.S. Case No.93 of 2007. The

petitioner submits that there is no provision in the Fertilizers Control Order, 1985 for sealing of premises.

The petitioner submits that his son was acquitted in the criminal case. Consequent upon acquittal in the criminal case, the confiscation proceeding was also dropped. The petitioner submits that premises cannot be sealed for violation of Fertilizers Control Order. In support of his submission, the petitioner has relied upon decision in the case of Sanjay Kumar Jha vs State of Bihar, (C.W.J.C.No.4364 of 2007, disposed of by order dated 24.8.2007).

In view of the aforesaid fact and also in view of the fact that there is no provision under the Fertilizers Control Order for sealing the premises, I direct respondent No.2 to unseal the premises of the petitioner.

With the aforesaid observations and directions, this writ application stands disposed of.

(Samarendra Pratap Singh, J)

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