

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2630 of 2015

With
I.A. No.1298 of 2015

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Amit Kumar, son of Kameshwar Prasad Chaudhary, resident of Village -
Pagalbari, P.S- Manihari, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Katihar.
3. The District Agriculture Officer, Katihar.
4. The Sub-Divisional Officer Manihari, District - Katihar.
5. The Block Development Officer, Manihari, District - katihar.
6. The Block Agriculture Officer, Manihari, District - Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Respondent/s : Mr. Vinay Kirti Singh, GA-3

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 18-02-2015 Heard the parties.

The petitioner holds licence under the provisions of the Fertilizer Control Order, 1985. Following certain allegations an FIR was instituted giving rise to Manihari P.S. Case No.187 of 2014 registered under section 7 of the Essential Commodities Act (hereinafter referred to as 'the Act') on 30.12.2014 and which was followed by a show cause notice bearing Memo No.1639 dated 31.12.2014 of the District Agriculture Officer, Katihar who while suspending the licence of the petitioner, has directed him to file his show cause against the cancellation. It is also an admitted position that the alleged seizure had led to institution of confiscation proceeding under section 6 of 'the



Act' bearing Confiscation Case No.272 of 2014-15. The confiscation proceedings registered under section 6 of 'the Act' is pending consideration before the Collector, Katihar. The petitioner is also aggrieved by a letter bearing Memo No.7 dated 22.1.2015 of the District Agriculture Officer, Katihar whereby he has directed the Block Agriculture Officer, Manihari, district-Katihar to dispose of the seized fertilizer and deposit the sale proceeds with the Nazir of the office of District Agriculture Officer, Katihar, a copy of which is placed at Annexure-6 to the writ petition.

Although Mr. Mukesh Kumar Jha, learned counsel appearing for the petitioner has chosen to question the legality of the order of suspension/show cause notice as against the cancellation placed at Annexure-3 to the writ petition as well as the direction issued by the District Agriculture Officer, Katihar requiring the Block Agriculture Officer to sell the seized fertilizers and deposit the sale proceeds which order is placed at Annexure-6 but even while contesting as such Mr. Jha admits to the pendency of the matter in confiscation proceedings before the Collector, Katihar.

In view of the provisions underlying section 6A of 'the Act' empowering the Collector to pass appropriate orders as



regarding the sale of seized goods as well as taking note of the provisions underlying section 6-E of 'the Act' vesting jurisdiction in the Collector in seisin of the confiscation proceeding to consider any prayer for release of goods, in the opinion of this Court the remedy for the petitioner lies by filing an appropriate application before the prescribed authority under section 6-E of 'the Act' and he is at liberty to take recourse to the same for release of the goods.

However, considering that the matter of seizure as well as cancellation of licence is pending consideration before the statutory authority this Court is not persuaded to grant any indulgence at this stage.

This writ petition and the interlocutory application are accordingly disposed of.

(Jyoti Saran, J)

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