

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7748 of 2011

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Satendra Kumar son of Mahendra Prasad resident of village Piprakothi,
P.S.Piprakothi, Dist. East Champaran.

.... Petitioner

Versus

1. The State of Bihar through the Secretary department of personnel and Home affairs, Bihar, Patna.
2. The Collector cum District Magistrate, East Champaran, Motihari
3. The Superintendent of police Motihari, East Champaran.
4. Sanjay Sharma son of Shree Dev Mangal Sharma the then Block Agriculture officer, Piprakothi cum Fertilizer Inspector, resident of village Hanuman Nagar, P.S. Dhaka, P.O. Barharwa, Lakhansen, Dist. East Champaran.
5. Kamakhya Narain Singh the then officer in charge Piprakothi, Dist East Champaran at present officer in charge Majhaulia Police Station, Dist. East Champaran.

.... Respondents

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Appearance :

For the Petitioner : Mr. Madhurendra Kumar

For the Respondents : Mr. Dhurjati Kumar Prasad GP7

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 31-08-2015

Heard counsel for the petitioner and the State.

The writ application seeks a direction for awarding compensation to compensate the loss/damage suffered by the petitioner on account of seizure of cement which was lying in the godown of the petitioner who is a licensee to deal with the fertilizer.

Upon an FIR lodged against the petitioner (Annexure-1) under Section 7 of the Essential Commodities Act by the Block Agriculture Officer the shop including the godown which was locked by the petitioner was sealed. Subsequently, it was found the petitioner had also kept cement inside the godown.

Contention of the petitioner is that in spite of order passed by the District Magistrate on 01.12.2008 there was inordinate

delay in unsealing the godown as a result whereof the cement stored therein lost efficacy thereby caused loss to the petitioner. It appears from (Annexure-6) that for similar relief the petitioner filed CWJC No. 16777 of 2009 which was, however, disposed of permitting him to agitate his grievance against the high-handedness of the officer in charge of the concerned police station before the Superintendent of Police. In the light of the said order the petitioner ventilated his grievance before the Superintendent of Police who by order dated 08.02.2011 disposed of the same finding no culpability on the part of the officer in charge. The grievance regarding offsetting the loss by payment of compensation was not pressed.

Regard being had to the above, the present writ application for the same/similar grievance is not maintainable. Counsel for the petitioner having appreciated this submits that the petitioner, if so advised, would institute appropriate proceeding claiming damages/compensation before the appropriate forum in accordance with law.

The writ application is disposed of with the aforesaid liberty.

(Kishore Kumar Mandal, J)

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