

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12743 of 2016

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Ashok Kumar Singh, Son of Late Brahmdeo Singh, Resident of Village-
Rampur Hari, P.S.- Minapur, District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Agriculture Department, Government of Bihar, Patna.
2. The District Magistrate, Muzaffarpur, District- Muzaffarpur.
3. The District Agriculture Officer, Muzaffarpur, District- Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh

For the Respondent/s : Mr. Kumar Manish-SC5

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-08-2017 Heard Mr. Vijay Kumar Singh, learned counsel for the petitioner and Mr. Kumar Pankaj, learned A.C. to S.C.-5 for the respondents.

The present writ application has been filed for a direction to the respondent authorities to release auctioned amount of Rs.1,03,000/- in favour of the petitioner, which was deposited in the bank through treasury challan on the order of respondent no.3, the District Agricultural Officer, Muzaffarpur on 02.07.2008 by one Vijay Kumar Singh, proprietor of Vaishali Enterprises, Akharaghat, Muzaffarpur after sell of the seized article of the shop of the petitioner namely M/s Rampur Hari, Beej Bhandar, Akharaghat Road, Muzaffarpur. Further prayer has been made to



pay the aforesaid amount with interest calculated from the date of seizure to the actual date of payment.

It appears that certain seizures were made by the then Sub-Divisional Agriculture Officer, West Muzaffapur from the shop of the petitioner as the petitioner had licence to carry business of seed in terms of Seeds Control Order, 1983. Though, the FIR being Muzaffarpur Town P.S. Case No. 516 of 2007 was lodged with accusation under Section 7 of the E.C. Act, but the petitioner was not made accused in the said FIR. Subsequently, the petitioner came before this Court in C.W.J.C. No. 3233 of 2008, wherein by a detailed order, vide order dated 09.11.2010, this Court disposed of the Writ application directing for a departmental enquiry as well as for conclusion of enquiry against Dr. Onkar Nath Singh, the then Sub-Divisional Agricultural Officer, West Muzaffarpur. However, the writ application was disposed of with observation that nature of relief or compensation to the petitioner will be considered after conclusion of the departmental enquiry as well as vigilance enquiry. Paragraph no.10 reads as follows:-

“The writ application stands disposed of with an observation that the nature of relief or compensation to the petitioner will be considered after the above two exercise.”

It is submitted by learned counsel for the petitioner that the petitioner filed Miscellaneous Case No. 7315 of 2015, before



respondent no.2, the District Magistrate, Muzaffarpur, for release of the aforesaid amount which is still pending. This fact has also been admitted in the counter affidavit filed on behalf of the respondents.

It is jointly submitted that the present writ application may be disposed of directing respondent no.2, the District Magistrate, Muzaffarpur to dispose of the abovementioned miscellaneous case of the petitioner within a reasonable time frame.

In the circumstances, it is expected from respondent no.2, the District Magistrate, Muzaffarpur to dispose of Miscellaneous Case No. 7315 of 2015 within a period of four weeks from the date of receipt/production of the copy of this order in the light of the purport of the order dated 09.11.2010, passed in CWJC No. 3233 of 2008.

Accordingly, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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