

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6233 of 2018

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Majhar Alam son of Barsatu, resident of village- Mahiyarpur (Kanhaibari), P.O. Kochadhaman, P.S. Kochadhaman, District- Kishanganj.

.... Petitioner

Versus

1. The State of Bihar through the Secretary Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The Collector-Cum-District Magistrate, Kishanganj.
3. The Sub-Divisional Officer, Kishanganj.
4. The Block Development Officer, Kishanganj, District- Kishanganj.
5. The Block Supply Officer, Kishanganj, District- Kishanganj.
6. The Officer-in-Charge, Kishanganj, P.S. Kishanganj, District- Kishanganj.

.... Respondents

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Appearance :

For the Petitioner : Mr. Amal Kumar Sinha, Advocate.

For the Respondents : Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-04-2018

Heard learned counsel for the petitioner as well as learned
counsel for the respondents.

2. The present writ petition has been filed for the
following reliefs –

(i) For quashing an order passed under Section 6(A)(i) of the E.C. Act by the District Magistrate, Kishanganj in confiscation proceeding under the E.C. Act being confiscation case no. 32 of 2016 dated 17.10.2017 by which the Mahindra-Maxmima (Pick-up van) bearing Registration No. BR37E/3595 of the petitioner has been confiscated.

(ii) For a direction to the respondents to release the seized Mahindra-Maxmima (Pick-up Van) bearing Registration NO. BR-37E/3595 in favour of the petitioner during the pendency of Cr. Mines case i.e. Kishanganj P.S. Case No. 428 of 2016 dated 11.09.2016 under Section 7 of the E.C. Act.

(iii) For any another relief or reliefs to which the petitioner



is found entitled in the facts and circumstances of the case.”

3. At the very outset, learned counsel for the petitioner fairly accepts that there is statutory remedy by way of appeal under Section 6C of the Essential Commodities Act, 1955 is available to the petitioner against the impugned order dated 17.10.2017, which has not been availed of by the petitioner.

4. In view of availability of the alternative remedy as above, this Court is not inclined to interfere in the matter. The writ petition stands dismissed with liberty to the petitioner to file an appeal before the appropriate forum for redressal of his grievances.

5. It is made clear that in case such an appeal is filed, the concerned authority would have regard to the present proceeding being pursued by the petitioner, while considering any issue relating to condonation of delay, if applicable.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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