

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8304 of 2015

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Maa Durga Rice Mill, Arar through its Proprietor Ravindra Prasad Yadav, S/o
Sri Krit Narayan Yadav, Resident of village- Arar, P.S.- Gwalpara, District-
Madhepura

.... Petitioner

Versus

1. The State of Bihar through the Collector, Madhepura
2. The S.D.O. Udayakishunganj, Madhepura
3. The Block Supply Officer, Chausa, Madhepura

.... Respondents

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Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate

Mr. Vijay Anand, Advocate

For the Respondents : Mr. P.N. Shahi- AAG10

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 24-08-2018

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

2. The present writ petition has been filed for a direction
to the respondents to unseal the business premises/godown of the
petitioner situated in Ararghat, Gawalpara which has been sealed by
the Block Supply Officer, Chausa in connection with Bihariganj P.S. Case
no. 85/2015 for the alleged violation of provisions of the Essential
Commodities Act, 1955.

3. Learned senior counsel for the petitioner has submitted
that an FIR in Bihariganj P.S. Case No. 85 of 2015 was instituted on the
written report of the Block Development Officer, Chausa alleging that



pursuant to the direction of the Sub-Divisional Officer, Udakishunganj, a truck bearing registration no. WB 59A/3738 was intercepted and search thereof was made on which 228.60 quintals of rice was found loaded and during the enquiry the driver of the truck failed to produce the cash memo and other documents.

4. Learned counsel for the petitioner submits that the action of the respondent authorities is wholly arbitrary and without any authority of law. It is pointed out that there is no provision whatsoever which empowers the authorities to seal the business premises and godown of the petitioner.

5. Learned counsel for the respondents appears and has been heard. No counter affidavit has been filed till date.

6. The stand of the petitioner that there is no provision for sealing the rice mill and the godown under the E.C. Act has not been controverted on behalf of the respondents and no provision in this regard has been referred to in order to justify the action of such sealing by the Block Development Officer.

6. Having heard the parties and on a consideration of the materials on record, this Court finds merit in the writ petition.

7. Under the circumstances, it must be held that the action of the Block Development Officer, Chausa, (respondent no. 3) in sealing the rice mill and godown of the petitioner is ultra vires the powers



conferred upon him under the provisions of law and hence the same cannot be sustained. The Block Supply Officer, Chausa, Madhepura (respondent no. 3) is accordingly hereby directed to remove the seal from the business premises and godown of the petitioner within a period of two days from the date of receipt/production of a copy of this judgment in the presence of the Officer-in-charge, Bihariganj Police Station.

8. It is made clear that the concerned authorities shall be at liberty to make inventory of the stocks as well as take any samples as may be necessary in connection with Bihariganj P.S. Case No. 85 of 2015 at the time of removal of seal from the business premises and godown of the petitioner.

9. The writ petition stands allowed, as above.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	04.09.2018
Transmission Date	N.A.

