

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 783 of 2019

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Rubin Kumar, aged about 34 Years/Male, Son of Ram Vilash Sah, Resident of Village-Gadhiya, P.S. Kumarkhand, District-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through, the Secretary, Food and Civil Supplies Government of Bihar, Patna.
2. Collector Cum District Magistrate, Madhepura,
3. The Sub Divisional Officer, Madhepura.
4. The Block Supply Officer, Kumarkhand, District-Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate
For the State : Mr. Alok Ranjan, AC to AAG 5

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 28-05-2019

Heard learned counsel for the petitioner and learned AC
to AAG 5 for the State.

2. The petitioner has moved the Court for the following
relief:

“That this writ application is being filed by the petitioner in the nature of certiorari to quash the order dated 8.12.2018 passed by the Court of Collector cum District Magistrate, Madhepura in(07-E.C. Act) confiscation Case No. 03/2018 arising out from Kumarkhand P.S. Case No. 01 of 2018, registered Under Section 7 of the Essential Commodity Act. By which order the learned court confiscated the Three Wheeler Auto Rikshaw Vehicle (Goods) Under Section 6A and 6A (1)(c) of the Essential Commodities Act. Further be pleased to direct the respondents to released the Three Wheeler (Goods), Auto rikshaw vehicle during the pendency of the abovementioned criminal case.”



3. Learned counsel for the State, at the very outset, submitted that there is provision for filing appeal under Section 6C(1) of the Essential Commodities Act, 1955 as amended by the Essential Commodities (Bihar Amendment) Act, 1977 (hereinafter referred to as the 'Act').

4. Faced with the situation, learned counsel for the petitioner submitted that the writ petition be disposed off with liberty to him to move before the appellate forum.

5. In view thereof, as prayed for by learned counsel for the petitioner, the writ petition stands disposed off with liberty aforesaid.

6. As the time prescribed for filing of appeal is within one month from the date of communication of such order, the impugned order being passed on 08.12.2018 and the petitioner having affirmed the affidavit in the writ petition on 07.01.2019 i.e., within one month, the Court deems it appropriate to direct the Appellate Authority under the Act that if an appeal is filed by the petitioner, in the instant matter, within one month from today, the same shall be considered on merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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