

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 20471 of 2018

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Naresh Mandal Son of Late Mahanand Mandal, resident of Village Sohandar
P.S. Palasi District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Kishanganj.
2. The Collector, Kishanganj.
3. Sub Divisional Officer, Kishanganj.
4. Block Supply Officer, Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ram Prawash Kumar, 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
reliefs:

“I. For issuance of a writ in the nature of certiorari quashing of the order dated 27.11.2014 passed by the learned Collector, Kishanganj respondent no. 2 in the Confiscation case no. 11/2014-15 originating Kishanganj p.s. case no.448 of 2014 under section 7 of the E.C. Act II. For a direction in the nature of Mandamus to the respondent no.2 (The Collector Kishanganj) for release of the food grains in favour of the petitioners.

II. For issuance of a writ in the nature of mandamus directed to respondent no. 4 to pay compensation to the petitioner for the loss suffered by the petitioner at the earliest in view of the facts that the foodgrains belonging to the petitioner was



arbitrarily seized and confiscated by the respondent since last two years.

III. For any other relief/reliefs which the petitioners may be found entitled to in the facts and circumstances of the case.”

3. Counter affidavit has been filed on behalf of respondents no. 1 to 4.

4. The petitioner is accused of possessing 94 bags of wheat and 10 bags of rice without any authorization. The said articles were seized on 25.08.2014 and later on by order dated 27.11.2014, the articles have been directed to be distributed among the consumers which is impugned in the present writ petition.

5. Though, the petitioner has argued the matter, but the Court finds that the seizure was made on 25.08.2014 and within three months, the order was for distributing it among the consumers and the same has been assailed in the writ petition filed after almost four years, the same does not require any interference. The articles being foodgrains were perishable, and thus, rightly the authorities have ordered for their distribution to the consumers. Further, in the same order, the direction is to show cause the petitioner as to why the said seized articles be not confiscated. Thus, it shall be open for the petitioner to contest the same, if the proceedings are still pending. However, in the



considered opinion of the Court, the order to distribute the articles among the consumers and the same having been passed almost five years ago, no interference is warranted by this Court.

6. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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