

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4385 of 2019

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Md. Gulam Das @ Gulam Gaush @ Golam Gosh S/o Idu Hussain @ Idur Rahman, Resident of Village- Gurihal, Butha Sadipur Chopada, P.S.- Baisi, District- Purnea.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Principal Secretary Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The Collector-cum-District Magistrate, Purnea.
3. The Block Supply Officer, Baisi, Purnea.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Karn, Advocate
For the Respondent/s : Mr. AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-07-2019 Petitioner in the present case has moved this Court for a direction to the respondents to release the Tractor with its Tractor vide its Registration No. BR11GA 2962, Chassis No. GZQSU491521SM and Engine No. 3100DL53D488210F3 which has been seized in connection with Baisi P.S. Case No. 202 of 2015 dated 29.12.2015 registered under Section 7 of the Essential Commodities Act.

Learned counsel for the State submits that since a confiscation proceeding has already been initiated in the present case which learned counsel for the petitioner has also admitted, this case may be disposed off granting liberty to the petitioner to file an appropriate application before the Collector-cum-District



Magistrate, Purnea who may pass an appropriate order thereon within a given time frame.

It is submitted that in similar circumstance, in the matter relating to the release of foodgrains, this Court has passed order dated 29.04.2019 in C.W.J.C. No. 19520 of 2018 giving liberty to the petitioner to file an appropriate application with a direction to the District Magistrate to consider the same.

In the given facts and circumstances of the case, following the same line of reasoning as have been provided by this Court in C.W.J.C. No. 19520 of 2018, this Court grants liberty to the petitioner to file an appropriate application before the Collector-cum-District Magistrate, Purnea (Respondent No. 2) within a period of 15 days from today and on such application being filed the respondent no. 2 shall consider the same within a period of 30 days from the date of filing of the application and shall dispose off by a reasoned order keeping in mind the submissions of the parties that the vehicle in question is a Tractor with its Trailor which is normally used for agricultural purposes also.

Let the respondent no. 2 exercise his power and pass an appropriate order, however, it is made clear that in case because of the inaction of the State authorities, the application is



not disposed off within the aforesaid period the petitioner will
be at liberty to move this Court.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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