

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.715 of 2016

Arising Out of PS. Case No.-195 Year-2015 Thana- BAIKUNTHPUR District- Gopalganj

1. Rajesh Kumar Son of Ganga Sagar Prasad, Resident of Village- Dighwa, Dubauli Bazar, P.S. - Baikunthpur, District- Gopalganj.
2. Champak Mitra, Son of Nirmal Kumar Mitra, Resident of Village- Durgapur P.O. & P.S. - Ravindra Nagar, Dumdum, Kolkata- 700065

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary Bihar, Patna
2. The Collector, Gopalganj.
3. The Sub-Divisional Officer, Gopalganj
4. The B.D.O (Block Development Officer) Baikunthpur, District- Gopalganj.
5. The Block Supply Officer, Baikunthpur, Gopalganj.
6. The S.H.O(Station Head Officer) Baikunthpur Police Station Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Binay Kumar Singh, Advocate
For the Respondent/s	:	Smt. Namrata Mishra, GA-13

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 02-01-2019

By way of the instant writ petition, the petitioners have challenged order dated 19.02.2016, as contained in Annexure-3 passed by the Collector, Gopalganj in exercise of powers conferred under Section 6-A of the Essential Commodities Act, 1955 (for



short 'the Act') whereby he has ordered to confiscate food grains and the truck in question.

2. Learned counsel for the petitioners submitted that the order impugned is bad in law as well as on facts.

3. However, a preliminary objection regarding maintainability of the writ petition has been raised by the learned counsel for the State.

4. I find substance in the submission of the learned counsel for the State whereby he has pleaded that the writ petition is not maintainable in view of statutory appeal provided under Section 6-C of the Act.

5. Section 6-C of the Act provides that any person aggrieved by order of confiscation under Section 6-A may, within one month from the date of the communication to him of such order, appeal to any judicial authority appointed by the State Government concerned and the judicial authority shall, after giving an opportunity to the appellant to be heard, pass such order as it may think fit, confirming, modifying or annulling the order appealed against.

6. In view of the availability of an equally efficacious statutory remedy to the petitioners for the redressal of their grievance, I am not inclined to entertain the instant writ



application under extraordinary writ jurisdiction. It is dismissed,
accordingly.

(Ashwani Kumar Singh, J)

kanchan/SK Suman.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.01.2019
Transmission Date	03.01.2019

